

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

MICHAEL WEBER, individually and
on behalf of all others similarly
situated,

Plaintiff,

v.

MERCEDES-BENZ USA, LLC and
MERCEDES-BENZ GROUP AG,

Defendant.

Case No.:

JUDGE:

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

CLASS ACTION COMPLAINT

Plaintiff Michael Weber, individually and on behalf of the other members of the below-defined Michigan and nationwide classes (collectively, the “Class”), hereby alleges against Defendants Mercedes-Benz USA, LLC and Mercedes-Benz Group AG (collectively “Mercedes-Benz” or “Defendants”), upon personal knowledge as to himself and his own acts, and as to all other matters upon information and belief, based upon the investigation made by the undersigned attorneys, as follows:

I. NATURE OF THE CASE

1. Plaintiff brings this class action seeking damages and equitable relief individually and on behalf of the other Class members, each of whom purchased or

leased one or more Mercedes-Benz vehicles fitted with Mercedes-Benz's defective rear chassis subframes.

2. Mercedes-Benz installed the defective subframes in many of its vehicles, including but not limited to the following:

- C-Class, model years 2010 to 2022;
- CLS-Class, model years 2010 to 2022;
- E-Class, model years 2010 to 2022;
- G-Class, model years 2010 to 2022;
- GLK-Class, model years 2010 to 2015;
- SL-Class, model years 2010 to 2022; and
- SLC/SLK-Class, model years 2010 to 2020.

Those vehicles listed above in which the defective rear subframes were installed are defined herein as the "Class Vehicles."

3. As more fully explained below, the Class Vehicles were engineered to fail. Mercedes-Benz failed to disclose the truth about these vehicles and failed to remedy the well-established defects in the Class Vehicles that were on the road.

4. Each of these vehicles contains a rear chassis subframe that is prone to premature corrosion (the "Subframe Corrosion Defect").

5. The Subframe Corrosion Defect in the Class Vehicles causes structural damage to the Class Vehicles, which in turn can lead to many other problems, including but not limited to drivers losing control of the Class Vehicles on the road and fuel and brake fluid leakage.

6. Mercedes-Benz has long known of the Subframe Corrosion Defect and the resulting structural damage. As shown more fully below, premature rear subframe corrosion resulted in an extraordinary number of complaints.

7. Despite this knowledge, Mercedes-Benz continued selling and leasing Class Vehicles without ever disclosing the Subframe Corrosion Defect. Indeed, Mercedes-Benz has never disclosed the Subframe Corrosion Defect to consumers. Instead, Mercedes-Benz has allowed drivers of the Class Vehicles to continue driving those vehicles despite knowing that they have prematurely corroding subframes. The result is Class Vehicles that suffer a sudden loss of control and may become completely undriveable.

8. Each current or former purchaser or lessee of a Class Vehicle paid for a vehicle fitted with a defective rear subframe that was prone to premature corrosion, thereby subjecting their vehicles to the problems described herein. Each of these current and/or former owners and/or lessees were damaged in that they paid more for their Class Vehicles than they would have paid if they had known about the defect

that Mercedes-Benz failed to disclose, or they would not have purchased or leased their Class Vehicles at all.

II. JURISDICTION AND VENUE

9. This Court has diversity jurisdiction over this action under 28 U.S.C. §§ 1332(a) and (d) because the amount in controversy for the Class exceeds \$5,000,000 and Plaintiff and one or more of the other Class members are citizens of a different state than Defendant.

10. This Court has personal jurisdiction over Mercedes-Benz because Mercedes-Benz has purposefully availed itself of the privilege of conducting business in the Northern District of Georgia by advertising and selling its manufactured vehicles (including the Class Vehicles) within the State of Georgia. Additionally, Mercedes-Benz has maintained systematic and continuous business contacts with Illinois and is registered to conduct business in the state.

11. Venue is proper in this District under 28 U.S.C. § 1391 because Mercedes-Benz is deemed to reside in any judicial district in which it is subject to personal jurisdiction. Additionally, Mercedes-Benz has marketed, advertised, sold, and leased Class Vehicles within this District.

III. PARTIES

A. Plaintiff

12. Michael Weber is domiciled in Chicago, Illinois.

13. Mr. Weber owns a 2015 Mercedes-AMG E 63 S equipped with a defective rear chassis subframe. He purchased his E 63 S in Michigan in 2021. The VIN of Mr. Weber's E 63 S is WDDHH7GB6FB103759.

14. Mr. Weber did not receive any notification from Mercedes-Benz regarding the Subframe Corrosion Defect.

15. Prior to purchasing his E 63 S, Mr. Weber saw advertisements for the vehicle that promoted its reliability and durability. Mercedes-Benz did not disclose the Subframe Corrosion Defect through any of these avenues.

16. Mercedes-Benz failed to disclose the Subframe Corrosion Defect to Mr. Weber before he purchased his E 63 S despite Mercedes-Benz's knowledge of the defect. Therefore, Mr. Weber purchased his E 63 S with the incorrect understanding that it would be a reliable vehicle.

17. Mr. Weber purchased his E 63 S expecting it to be durable and long-lasting. Had Mercedes-Benz disclosed the Subframe Corrosion Defect, Mr. Weber would not have purchased his E 63 S, or certainly would have paid less for it.

B. Defendants

18. Defendant Mercedes-Benz USA, LLC is a Delaware limited liability company, with its principal place of business located at 1 Mercedes-Benz Drive, Sandy Springs, Georgia, and is a citizen of Delaware and Georgia.

19. Mercedes-Benz USA, LLC is a subsidiary of Mercedes-Benz Group AG.

20. Mercedes-Benz Group AG is a German corporation with its principal place of business in Stuttgart, Germany.

21. Upon information and belief, Mercedes-Benz Group AG does business in the United States both directly and through Mercedes-Benz USA, LLC.

IV. APPLICABLE LAW

22. Plaintiff seeks damages and equitable relief on behalf of himself and a nationwide class under Georgia law. Georgia law should govern the claims of the nationwide class because Mercedes-Benz USA has been located in Georgia since July 2015. Georgia has an interest in regulating the conduct of business within its borders, and the causes of action asserted herein all arise from Mercedes-Benz USA's corporate decisions to conceal the Subframe Corrosion Defect and sell vehicles with the Subframe Corrosion Defect in breach of its warranties.

23. In the alternative, New Jersey law should govern the claims of the nationwide class because, before Mercedes-Benz USA's relocation to Georgia in July 2015, Mercedes-Benz USA had its principal place of business in New Jersey. New Jersey has an interest in regulating the conduct of business within its borders, and the causes of action asserted herein all arise from Mercedes-Benz USA's corporate decisions to conceal the Subframe Corrosion Defect and sell vehicles with the Subframe Corrosion Defect in breach of its warranties.

24. In the alternative, Plaintiff and the other Class members bring their claims under the laws of each state in which they purchased or leased their vehicles.

V. FACTUAL ALLEGATIONS

A. Introduction and Background

25. A subframe is an important structural component that forms a significant part of a vehicle's chassis.

26. A rear subframe also plays an important role, along with the vehicle's rear suspension springs, in ensuring that the rear of the vehicle is stable while driving.

27. Upon information and belief, the rear subframe in the Class Vehicles is connected to the suspension springs and/or rear axle in such a way that the subframe is an integral part of driving stability in the Class Vehicles.

28. When the rear chassis subframe in a Class Vehicle becomes perforated with corrosion, the driver cannot control the vehicle or otherwise operate the vehicle safely. This can result in the Class Vehicle suddenly and unexpectedly losing control (e.g., fishtailing or veering to one side).

29. Additionally, when the Subframe Corrosion Defect causes a joint of the rear chassis subframe (sometimes called a control arm) to become perforated or corroded, the joint may break. This breakage may, in turn, cause damage to other vehicle components (e.g., the brake lines).

30. A rear chassis subframe has several control arms.

31. The corrosion of the rear chassis subframe in the Class Vehicles caused by the Subframe Corrosion Defect can also spread to adjacent vehicle components, which can in turn cause additional serious safety problems.

32. For model years 2010 through 2022, Mercedes-Benz manufactured and sold the Class Vehicles—each of which had substantially the same design with regard to the rear chassis subframe.

33. Because the Class Vehicles all had substantially the same rear chassis subframe design, they all have the Subframe Corrosion Defect.

34. Because of the myriad safety problems the Subframe Corrosion Defect causes, the Class Vehicles are materially unsafe to drive and therefore unfit for their intended purpose as vehicles.

35. The Subframe Corrosion Defect is a latent defect that is often not visible to even a trained eye until it has already spread far enough to compromise the integrity of the rear chassis subframe.

B. The Class Vehicles Suffer from Premature Rear Subframe Corrosion.

36. The rear chassis subframes in the Class Vehicles are made of steel.

37. Iron oxide, commonly known as rust, can eventually form on iron alloy metals such as steel.

38. Rust corrosion can compromise the structural integrity of steel by rusting through (i.e., perforating) the steel.

39. Because steel components like chassis subframes are inherently susceptible to rust corrosion, preventive measures must be taken to ensure that the components last longer. This may include but is not limited to applying certain compounds to the subframe during the assembly process.

40. The rear chassis subframes in the Class Vehicles were improperly designed and/or manufactured, thereby making them susceptible to perforation from corrosion.

C. The Subframe Corrosion Defect in the Class Vehicles Presents an Unreasonable Safety Risk.

41. Structural deficiencies in a vehicle's rear subframe—such as those that can result from the Subframe Corrosion Defect—present dangerous safety hazards to the driver, other passengers of the Class Vehicles, and the public.

42. Due to the Subframe Corrosion Defect, all of the Class Vehicles have suffered and will continue to suffer structural damage which makes them nearly impossible to control safely on the road.

43. Specifically, the Subframe Corrosion Defect can weaken the control arms connecting the subframe to a Class Vehicle's suspension. This can affect the vehicle's wheel alignment and the vehicle body's connection to the wheels and suspension.

44. When the Subframe Corrosion Defect manifests, it therefore makes the Class Vehicle's driving unpredictable in several ways (e.g., acceleration, braking, steering, and overall maneuverability).

45. Additionally, the Subframe Corrosion Defect can result in leakage from brake fluid lines and fuel lines, which can in turn cause other problems. These problems include but are not limited to: Class Vehicles prematurely running low on or out of fuel on the road; fire hazards; and difficulty braking.

46. All these problems caused by the Subframe Corrosion Defect pose significant safety risks to drivers of the Class Vehicles.

47. Moreover, a rear subframe that has been perforated by the Subframe Corrosion Defect cannot be repaired via spot welding. Instead, it must be replaced entirely at great cost to the vehicle owner.

48. Because of the dire safety risks the Subframe Corrosion Defect poses, a vehicle that has the Subframe Corrosion Defect is not fit for its ordinary purpose, does not pass without objection in the trade, and renders the Class Vehicles substantially less drivable, useable, safe, and valuable. This is especially true because Mercedes-Benz marketed the Class Vehicles as safe and reliable.

D. Mercedes-Benz's Knowledge of the Subframe Corrosion Defect

49. Daimler-Benz (now known as Mercedes-Benz Group AG) began offering a 30-year anti-corrosion warranty on all its vehicles as part of its Mobilo service (then known as MobiloLife) in the late 1990s.¹ In its announcement of this warranty, Mercedes-Benz touted “[t]he high quality of materials, standards of workmanship and corrosion protection of the bodywork and underfloor structures .

¹ Ian Morton, *Mercedes Offers Guarantee against Rust for 30 Years*, AUTOMOTIVE NEWS EUROPE, <https://europe.autonews.com/article/19981026/ANE/810260839/mercedes-offers-guarantee-against-rust-for-30-years> (Oct. 26, 1998).

. . .’² Mercedes-Benz expected and represented to consumers that the structural components of its vehicles—including the rear chassis subframe—should last 30 years before “perforat[ion] due to corrosion from the inside out” occurs.³

50. However, upon information and belief, Mercedes-Benz has known or should have known about the Subframe Corrosion Defect at least since 2018.

51. Mercedes-Benz knew or should have known of the Subframe Corrosion Defect through its own engineering knowledge, pre-release internal testing, online consumer complaints, and/or consumers presenting their vehicles to Mercedes-Benz dealers for repairs.

52. As discussed in greater detail below, consumers have submitted an extraordinary number of complaints online and, upon information and belief, directly to Mercedes-Benz regarding subframe corrosion in the Class Vehicles.

53. Mercedes-Benz also knew about the Subframe Corrosion Defect from its own warranty data. Pursuant to the TREAD Act, Mercedes-Benz tracks its vehicles’ diagnoses and repairs from dealership technicians in a centralized, aggregated database. Mercedes-Benz employs people to monitor this database for repair trends. Additionally, engineering and management staff review these repair

² *Id.*

³ *Id.*

trends in regular meetings. For every complaint that a consumer files with NHTSA, Mercedes-Benz likely receives hundreds or thousands of related warranty claims. Accordingly, Mercedes-Benz likely received hundreds or thousands of Subframe Corrosion Defect warranty claims beginning as early as 2018—three years before Plaintiff purchased his vehicle.

E. Consumers Repeatedly Complained About Rear Subframe Corrosion in the Class Vehicles.

54. Numerous complaints have been filed with the National Highway Traffic Safety Administration (“NHTSA”) regarding premature rear subframe corrosion in the Class Vehicles.⁴ By way of example:

- On February 18, 2020, a consumer reported a subframe corrosion problem with a 2008 E 350:

TOOK VEHICLE IN TO HAVE POWER STEERING SERVICED AND ALSO ASKED FOR AN INSPECTION OF THE VEHICLE. UPON INSPECTION, TECH NOTICED THAT REAR SUBFRAME WAS RUSTED BADLY. TECH FOUND THAT MOUNT BOSSES WERE ALMOST DETACHED AND THAT THE SUBFRAME WAS RUSTED THROUGH AT THE TRAILING ARM LOCATING POINTS. WHEN THIS ISSUE WAS FOUND THE VEHICLE WAS UP ON A LIFT. TECH ADVISED THAT THE CAR WAS NOT SAFE TO DRIVE AS IT WAS.

NHTSA ID Number 11309971.

⁴ Capitalization, punctuation, grammar, and spelling are preserved from the original NHTSA complaints.

- On August 10, 2020, a consumer reported a subframe corrosion problem with a 2012 C 204.9:

MY VEHICLE STARTED TO PULL LEFT WHEN BRAKING. HAD ALL BRAKES REPLACED AND PULLING CONTINUED. AFTER FURTHER REVIEW, FOUND OUT THAT THE REAR CROSSMEMBER / SUB-FRAME WAS ROTTED ON THE DRIVER SIDE. WHEN BRAKING, THE REAR DRIVER SIDE WHEEL SHIFTS. YOU CAN SEE THE REAR CALIPER MOVE UP. THE PROBLEM IS THAT THE SUBFRAME IS SO ROTTED THAT IT SHIFTS THE ARMS COMING OFF OF IT (EITHER TRAILING OR TORQUE ARM), CAUSING A DANGEROUS SHIFT IN THE BRAKE/WHEEL. CALLED MERCEDES CUSTOMER SUPPORT AND ALL THEY OFFERED WAS A SMALL DISCOUNT ON THE FULL REPAIR COST, WHICH OF COURSE IS ALREADY OVERPRICED. MY VEHICLE IS 8 YEARS OLD, GARAGE KEPT, ORIGINAL OWNERS, AND ONLY HAS ABOUT 45,000 MILES ON IT. NOTHING ELSE ON THE CAR IS ROTTED. THIS IS OBVIOUSLY A QUALITY CONTROL ISSUE BY THE MANUFACTURER. UPON FURTHER REVIEW, THIS IS A COMMON PROBLEM FOR 2008-2015 MERCEDES VEHICLES.

NHTSA ID Number 11344308.

- On August 20, 2020, a consumer reported a subframe corrosion problem with a 2011 C 204.9: “VEHICLE FAILED STATE SAFETY INSPECTION DUE TO CORROSION PERFORATION OF REAR SUSPENSION CROSS MEMBER, A MAJOR REAR SUSPENSION STRUCTURAL COMPONENT. ALSO REFERRED TO AS REAR SUBFRAME (PART NUMBER 207-350-97-02). THE VEHICLE WAS STATIONARY IN DEALER SERVICE BAY WHEN DISCOVERED.” NHTSA ID Number 11350400.
- On December 2, 2020, a consumer reported a subframe corrosion problem with a 2009 C 300:

I'M THE OWNER OF A 2009 MERCEDES-BENZ C300 4MATIC SPORT, WHICH WAS PURCHASED IN 2012 FROM A MERCEDES DEALER. THE VEHICLE CURRENTLY HAS ABOUT 60,400 MILES. IT WAS TAKEN TO A LOCAL MECHANIC FOR INSPECTION AND AFTER HEARING SOME CLUNKING NOISES, ESPECIALLY WHEN BRAKING OR TURNING, THEY DISCOVERED RUST, CORROSION, AND CRACKING TO THE REAR SUBFRAME. UPON FURTHER RESEARCH, IT HAS BEEN DISCOVERED THAT THIS IS A KNOWN PROBLEM, ESPECIALLY FOR THIS YEAR AND MODEL OF MERCEDES. THERE ARE MANY OTHER OWNERS POSTING COMPLAINTS ONLINE ABOUT THE SAME PROBLEM. THE REAR SUBFRAME CORROSION IS ESTIMATED TO COST ABOUT \$3-4K TO REPAIR. THE LOCAL MB DEALER REVEALED THEY ARE ACTUALLY REPAIRING A CAR WITH THIS SAME PROBLEM, AS WE SPEAK. ANOTHER CALL TO MB FOR PART PRICING INDICATED THIS IS A COMMON, KNOWN PROBLEM. THE CAR DOES NOT PASS INSPECTION AND HAS BECOME A HUGE SAFETY ISSUE. WITH SO MANY KNOWN CASES AND OBVIOUS SAFETY CONCERNS, MB SHOULD RESOLVE THIS DEFECT AND PLACE IT UNDER RECALL. MANY OWNERS MAY NOT EVEN KNOW THEY HAVE THIS PROBLEM. DRIVING A VEHICLE IN THIS CONDITION COULD POTENTIALLY CAUSE INJURY OR FATALITY TO THE DRIVER, PASSENGERS, AND OTHERS ON THE ROAD. I'VE BEEN ADVISED TO REQUEST A GOODWILL REPAIR, SINCE THERE IS NO RECALL. I WAS TOLD BY MB THAT I NEED TO SCHEDULE AN APPOINTMENT FOR AN OFFICIAL DIAGNOSIS AND REPAIR ESTIMATE AT MY LOCAL MB DEALER (\$179) BEFORE I CAN MOVE FORWARD WITH THE REQUEST FOR THE GOODWILL REPAIR. MANY OTHER OWNERS HAVE RECEIVED DENIALS TO THEIR REQUESTS, WHICH IS VERY DISAPPOINTING. MB SHOULD BE FOUND AT FAULT FOR THIS DEFECT AND KEEP THE SAFETY OF THEIR CONSUMERS AS THEIR TOP PRIORITY. IT WILL LIKELY TAKE A WEEK OR TWO BEFORE I RECEIVE A DETERMINATION FOR MY GOODWILL REQUEST, BUT I'M CONTACTING NHTSA TO FILE AN OFFICIAL VEHICLE

SAFETY COMPLAINT IN HOPES THAT THE RECALL PROCESS IS STARTED AND AN ORDER IS PLACED TO THE MANUFACTURER TO ISSUE A RECALL.”

NHTSA ID Number 11377524.

- On January 14, 2021, a consumer reported a subframe corrosion problem with a 2011 C 180:

PROBLEM STARTED TO BECOME APPARENT WHEN THE CAR BEGINS TO MOVE FROM A STOP. A CLUNKING SOUND WAS HEARD NEAR THE REAR RIGHT WHEEL OF THE VEHICLE. ISSUE BECAME MORE PROMINENT ON THE HIGHWAY. WHEN BRAKING AT SPEEDS OVER 40MPH THE REAR END WOULD WAVER AND THE CAR WOULD START TO FISHTAIL. THE PROBLEM WAS DETERMINED TO BE THE REAR SUBFRAME OF THE VEHICLE. THE SUBFRAME WAS COMPLETELY RUSTED WHERE IT IS CONNECTED TO A TORSION LINK. RUST WAS BAD ENOUGH THAT THE PART OF THE SUBFRAME CONNECTED TO THIS SUSPENSION LINK FAILED COMPLETELY AND BROKE AWAY FROM THE REST OF THE SUBFRAME. THIS IS A 9 YEAR OLD CAR AND THE PROBLEM OCCURRED AT 73,000 MILES.

NHTSA ID Number 11388175.

- On January 25, 2021, a consumer reported a subframe corrosion problem with a 2012 C 300:

REAR SUBFRAME (AS RECALLED IN PREVIOUS YEARS) WAS COMPLETED CORRODED - FAILED VIRGINIA INSPECTION - IN SUCH POOR SHAPE THAT ENTIRE SUBFRAME HAD TO BE REPLACED - CORROSION RIDDLED THE PIECE SO THAT HUGE HOLES RESULTED IN NO POSSIBILITY OF WELDING TO FIX/SUPPLEMENT WEAKNESS - AUTO REPAIR PLACE

HAD NOT SEEN SUCH A WEAK FRAME IN SUCH A RELATIVELY NEW CAR. LUCKILY - NO ACCIDENT OCCURED BUT COULD EASILY HAVE OCCURRED DUE TO CORROSION. NO OTHER PART OF VEHICLE WAS CORRODED - SO PART WAS MANUFACTURED INCORRECTLY (NO CORROSION CONTROL?/SHIPMENT FROM GERMANY ISSUE?) - MERCEDES BENZ HAS RECALL FOR THIS PART IN PREVIOUS MODEL YEARS - PICTURES OF SUBFRAME AVAILABLE UPON DEMAND

NHTSA ID Number 11388175.

- On January 27, 2021, a consumer reported a subframe corrosion problem with a 2010 E 350:

MERCEDES DEALER INSPECTED THE CAR. FOUND THE REAR SUB-FRAME SEVERELY RUSTED AT WELDS. HE ADVISED THIS WAS AN UNSAFE CONDITION AND NEEDED TO BE REPAIRED SOON. SERVICE WRITER SAID THIS WAS AN UNSAFE CONDITION. ONE OF THE WELDS IS ALMOST COMPLETELY FAILING. THERE IS AN ACTUAL SAFETY HAZARD IF THE SUBFRAME FAILS COMPLETELY. THIS CONDITION HAS BEEN OCCURRING OVER A PERIOD OF YEARS. THERE IS NO RECALL ON THIS TYPE OF PROBLEM. IT HAS BEEN WELL REPORTED ON MANY INTERNET SITES.

NHTSA ID Number 11390387

- On February 16, 2021, a consumer reported a subframe corrosion problem with a 2013 E 350:

I TOOK MY CAR IN FOR ITS ANNUAL SERVICE ON JANUARY 21, 2021, AND WAS TOLD THAT THE REAR SUBFRAME AND BRAKE LINES WERE SO BADLY RUSTED THAT THE CAR WAS UNSAFE TO DRIVE. THE ENTIRE SUBFRAME AND REAR LEFT

AND RIGHT BRAKE LINES HAD TO BE REPLACED AT A COST OF \$5,300 (MERCEDES BENZ USA GAVE ME A “GOOD WILL” DISCOUNT SO I PAID LESS THAN THAT AMOUNT). I AM THE ORIGINAL OWNER OF THIS VEHICLE AND I TAKE METICULOUS CARE OF IT. IT IS PARKED IN A GARAGE, RECEIVES EVERY RECOMMENDED MAINTENANCE CHECK AT THE SAME MECHANIC (EURO MOTORCARS BETHESDA, MD) AND HAS LOW MILEAGE FOR ITS AGE. ONLY ONE YEAR AND 7,000 MILES HAD ELAPSED BETWEEN THE CAR’S LAST SERVICE AND THE DISCOVERY OF THE CORROSION. IN OTHER WORDS, IN JUST ONE YEAR THE SUBFRAME OF THE CAR CORRODED TO THE EXTENT THAT IT WAS SO UNSAFE TO DRIVE THAT ACCORDING TO THE MECHANIC I AM LUCKY THAT I DID NOT GET INTO AN ACCIDENT. I HAVE OWNED MANY CARS THROUGHOUT MY LIFE FOR UPWARDS OF 10 YEARS AND NONE OF THEM HAVE HAD RUST CORROSION ISSUES. I HAVE TO BELIEVE THAT THERE WAS SOMETHING DEFECTIVE WITH THE MATERIALS MERCEDES BENZ USED ON THIS VEHICLE’S SUBFRAME. THE NHTSA DATABASE SHOWS THAT ANOTHER PERSON WITH THE SAME VEHICLE (WHO COINCIDENTALLY SEEMS TO HAVE PURCHASED HIS CAR AT THE SAME DEALERSHIP WHERE I PURCHASED MINE - EURO MOTORCARS BETHESDA) ALSO FILED A COMPLAINT FOR THE EXACT SAME ISSUE. HOW MANY OTHER OWNERS HAVE HAD THIS PROBLEM BUT DON’T KNOW THAT THEY CAN FILE A SAFETY COMPLAINT WITH THE NHTSA?

NHTSA ID Number 11396413.

- On April 16, 2021, a consumer reported a subframe corrosion problem with a 2009 C 300:

IM THE OWNER OF A 2009 MERCEDES-BENZ C300 4MATIC SPORT, WHICH WAS PURCHASED IN 2019. THE VEHICLE CURRENTLY HAS ABOUT 128,000 MILES. IT WAS TAKEN TO

A LOCAL MECHANIC FOR INSPECTION AND AFTER HEARING SOME CLUNKING NOISES, ESPECIALLY WHEN BRAKING OR TURNING, THEY DISCOVERED RUST, CORROSION, AND CRACKING TO THE REAR SUBFRAME. UPON FURTHER RESEARCH, IT HAS BEEN DISCOVERED THAT THIS IS A KNOWN PROBLEM, ESPECIALLY FOR THIS YEAR AND MODEL OF MERCEDES. THERE ARE MANY OTHER OWNERS WHO HAVE COMPLAINTS ONLINE ABOUT THE SAME PROBLEM. THE REAR SUBFRAME CORROSION IS ESTIMATED TO COST ABOUT \$2500 TO REPAIR AT LOCAL MB DEALERSHIP. THIS IS A KNOWN AND COMMON PROBLEM. THE CAR HAS BECOME A HUGE SAFETY ISSUE. WITH SO MANY KNOWN CASES AND OBVIOUS SAFETY CONCERNS, MB SHOULD RESOLVE THIS DEFECT AND PLACE IT UNDER RECALL. MANY OWNERS MAY NOT EVEN KNOW THEY HAVE THIS PROBLEM. DRIVING A VEHICLE IN THIS CONDITION COULD POTENTIALLY CAUSE INJURY OR FATALITY TO THE DRIVER, PASSENGERS, AND OTHERS ON THE ROAD. I'VE BEEN ADVISED TO REQUEST A GOODWILL REPAIR, SINCE THERE IS NO RECALL. MB SHOULD BE FOUND RESPONSIBLE FOR THIS REPAIR. I'M CONTACTING NHTSA TO FILE AN OFFICIAL VEHICLE SAFETY COMPLAINT IN HOPES THAT THE RECALL PROCESS IS STARTED AND AN ORDER IS PLACED TO THE MANUFACTURER TO ISSUE A RECALL.

NHTSA ID Number 11408447.

- On April 27, 2021, a consumer reported a subframe corrosion problem with a 2013 C 300: "THE REAR SUBFRAME RUSTED THROUGH RISKING THE CONTROL ARMS FROM DETACHING FROM THE FRAME. THIS COULD CAUSE THE CAR TO BE UNCONTROLLABLE WITH THE RIGHT, REAR WHEEL AND CONTROL ARM FROM DETACHING FROM THE VEHICLE." NHTSA ID Number 11414126.

- On May 24, 2021, a consumer reported a subframe corrosion problem with a

2012 C 350:

1. The (RH) rear suspension forward link attach point on the rear Suspension Cross-Member (Mercedes-Benz P/N: 204-350-01-41), separated from the sub frame due to internal corrosion of the Suspension Cross-Member. Part available for inspection. 2. When part failed, the RH rear wheel alignment was no-longer fixed; some loss of vehicle steering control was experienced, especially during braking and also turning. 3. Numerous reports of similar episodes of this failure are reported in owners' and maintainers' forums. The dealer service department was familiar with this Suspension Cross-Member part failure. 5. This vehicle passed a Maryland State safety inspection performed by the seller of the vehicle 6 months and 5000 mi prior to the part failure. 6. Part failed with no warning, during normal driving on secondary roads.

NHTSA ID Number 11418391.

- On May 25, 2021, a consumer reported a subframe corrosion problem with a

2013 C 300:

Mercedes dealership mechanic found rear subframe rusted through on 5/20/21 during oil change. Mechanic advised car is unsafe to drive, subframe can break apart while driving and cause accident. Dealership also advised this is a known issue with my model/year vehicle but currently no recall for it in the US, but there is a recall for this issue in Canada. I called Mercedes Benz USA customer care and spoke to a supervisor Benjamin who said they will not cover any repair expense for this issue.

NHTSA ID Number 11418551.

- On July 7, 2021, a consumer reported a subframe corrosion problem with a 2009 C 300:

Rear Sub-frame corrosion required a complete replacement of component to pass PA Inspection - car had about 63,000 miles and has been garage kept (and barely driven in Winter) since I purchased it as a certified pre-owned vehicle from the dealer (6 months old with less than 6,000 miles on it). MB Mechanics state that they are seeing this a lot with these cars, replacement sub-frame design is modified to prevent corrosion and I personally think this should be a recall safety issue as the corrosion was classified by the dealership as "Aggressive" and can cause control arms to detach (yikes !). I contacted Mercedes-Benz corporate to see if they would provide some cost assistance, they agreed to pay \$1000 towards the cost of the replacement, still leaving me with a bill of \$2500. I have a 20 year old Ford Taurus that lives outside and is driven all year round that doesn't have a corroded subframe - why can't Mercedes make one that doesn't fall apart ?

NHTSA ID Number 11423740.

- On September 8, 2021, a consumer reported a subframe corrosion problem with a 2011 E 350:

The rear "K" suspension subframe assembly had to be replaced because of rust internally in the vehicle frame. There was no other rust, internally or externally visible, on the entire car. My mechanic indicated that the car would not pass inspection without major repairs at a cost of over \$2800. If the subframe became disconnected, steering control would be lost resulting in a potentially serious injury due to loss of directional control at high speeds. My mechanic has already replaced parts to repair this issue on at least 4 other cars within a short period of time.

NHTSA ID Number 11432196.

- On September 10, 2021, a consumer reported a subframe corrosion problem with a 2011 E 350:

We took our car into the local Mercedes Benz Dealership at Ft. Washington, PA for a routine service and PA inspection. Our vehicle is a 2011 MB E 4 matic and has ~70K miles. We received a call stating that the rear subframe of the vehicle had failed and was not considered safe and therefore did not pass the PA state inspection. We authorized the dealership to replace the component, which was done. The dealership suggested the corrosion may be caused by salt used for removing snow. The car was garaged routinely, washed including undercarriage routinely and the google search suggested that the amount of snow since 2011 was lower than normal. I explored the internet and it appears that this issue has been documented by others for this and other models of MB vehicles. I also found a police inquiry which suggests failure of this component could cause the vehicle to lose control during driving. I spoke with the MB USA people and they did not think there was a significant issue and that this was not a recall or warranty issue currently. I wanted to report this to you for reference.

NHTSA ID Number 11432427.

- On September 13, 2021, a consumer reported a subframe corrosion problem with a 2011 C 300:

The contact owns a 2011 Mercedes-Benz C300. The contact stated while driving 25 MPH, the contact was going around a corner when he noticed a vehicle in front. The contact depressed on the brake pedal and the vehicle violently jerked and stop. The contact stated that the steering wheel was leaning towards the left. The contact was able to drive the vehicle to his residence. The following day the contact took the vehicle to an independent mechanic who inspected the vehicle and diagnosed the failure as a fractured and detached rear control arm due to corrosion of the undercarriage and subframe. The vehicle was towed to a local dealer to be repaired however, the contact declined the repair

due to cost. The vehicle was not repaired. The manufacturer was made aware of the failure. The failure mileage was approximately 82,000.

NHTSA ID Number 11432823.

- On September 28, 2021, a consumer reported a subframe corrosion problem with a 2013 C 300:

The contact's daughter owns a 2013 Mercedes-Benz C300. The contact stated that while driving at various speeds, his daughter lost control of the vehicle upon the depression of the brake pedal. The contact stated that the vehicle would veer off the road without warning. His daughter had taken the vehicle to an independent mechanic who informed her that the subframe had severe corrosion. The manufacturer was notified of the failure and informed his daughter that they could not offer any assistance. The vehicle had yet to be repaired. The failure mileage was approximately 150,000.

NHTSA ID Number 11434672.

- On September 28, 2021, a consumer reported a subframe corrosion problem with a 2009 C 300:

The contact owns a 2009 Mercedes-Benz C300. The contact stated while driving at various speeds, the driver's side rear tire inverted into the wheel well due to excessive corrosion. The contact had taken the vehicle to an independent mechanic where he confirmed the failure and informed him that the subframe needed to be replaced. The manufacturer had yet to be notified of the failure. The vehicle had yet to be repaired. The failure mileage was 130,000.

NHTSA ID Number 11434663.

- On September 29, 2021, a consumer reported a subframe corrosion problem with a 2011 C 300:

2011 MERCEDES BENZ C300. CONSTITUENT WRITES REGARDING SUBFRAME CORROSION SAFETY RECALL ON VEHICLE. THE CONSUMER STATED THE MANUFACTURER WAS NOTIFIED, BUT WOULD NOT TAKE RESPONSIBILITY FOR THE FAILURE. THE MANUFACTURER OFFERED A GOOD WILL INCENTIVE OF \$500.00 TOWARDS A USED VEHICLE OR 1000.00 TOWARDS THE PURCHASE OF A NEW VEHICLE.

NHTSA ID Number 11434828.

- On October 6, 2021, a consumer reported a subframe corrosion problem with a 2012 C 300:

The rear drivers side had a loud chunking/clanking noise while driving and the vehicle was unable to control and break when in motion. Driving was impossible as the breaking component was a total failure and car could not be controlled while traveling down 45-50mph zone. I reduced my speed to 20-25 mph by letting off on the gas to get better control of the car if breaking would need to be suddenly made. I relied on the shoulder to pull off if any sudden breaking was needed. The car was immediately take to be reviewed by a specialized Mercedes benz mechanic and further inspection proved that the rear subframe on the driver's (left) side was corroded and broken. The connecting arms are rusted, corroded and rendered the car inoperative. I notified my insurance company as well as car manufacturers corporate office. I researched this issue further and discovered that this reoccurring issue with this make and model. There are a pheletera of recounting of this same issue on various message boards to validate the same issues and callouts I found. The car was taken to the dealership that it was purchased and further inspection showed that the left side subframe/subframe arms were corroded with rust and broken. The brake lines and fuel tank were equally rusted and corroded. The service

manager confirmed that this is defect of the car but it had been part of a recall. I had the car towed for 2nd opinion to another dealership service department to access the car and this callout further validated the corrosion and rust was wide spread and has rendered the car inoperable unless these damages were fixed.

NHTSA ID Number 11434828.

- On October 18, 2021, a consumer reported a subframe corrosion problem with a 2013 C 300:

During a routine maintenance inspection at the Mercedes dealer, the mechanic found the rear subframe on the left and right sides of the car is rusting. Eventually it will rust through and possibly causing the loss of the control arms and wheels. At that point the car could become uncontrollable. The issue was discussed with Mercedes Benz USA Customer Advocacy. They informed me the once a vehicle falls outside warranty repairs are at the owners expense. Although the car is 8 years old it has only 51,000 miles. This is a known issue with my model year and in fact there is a recall in Canada for this issue.

NHTSA ID Number 11437263.

- On November 10, 2021, a consumer reported a subframe corrosion problem with a 2013 C 300:

Vehicle subframe has rusted through and parts of left rear suspension components are free, and one is about to poke a hole in the fuel tank. The right side is about to do the same. Everyone's safety is at high risk with this problem. The car abruptly pulls to the left when applying the brakes as well as causing the car to shimmy on the interstate. I took it to my mechanic who told me what has happened, and I had it towed to the Mercedes dealership who confirmed the problem. When you search the internet you find a highly alarming number of people who have this

same problem on 2009-2014 C300 models please do something before someone gets killed.

NHTSA ID Number 11440058.

NHTSA ID Number 11440184.

- On November 13, 2021, a consumer reported a subframe corrosion problem with a 2013 C 300:

The subframe rotted out causing the lower control arm bracket to detach from the frame. This has caused loss of control of the back left wheel and causes the car to shake and swerve when braking. This exact issue has led to recall in Canada. First noticed due to a squeaking and clunking sound. Later on the same day, I pressed the brakes on the highway and felt the described shaking/swerving. My mechanic has let me know that the car is now un-drivable due to the safety issue this causes. One of the rear subframe's main purposes is to absorb and disperse impact. Not only have I entirely lost control of the rear left, but any crash that this could have led to could have been significantly more dangerous due to the failed subframe. As stated prior, this exact issue has led to recall in Canada and I believe that it should lead to recall in the USA as well.

NHTSA ID Number 11440327.

- On November 30, 2021, a consumer reported a subframe corrosion problem with a 2013 C 300:

The contact owns a 2013 Mercedes Benz C300. The contact stated that while driving at highway speeds and depressing the brake pedal, the rear of the vehicle started fishtailing with extreme vibration making the vehicle very unstable. The vehicle was taken to an independent mechanic who discovered the rear passenger's side subframe was severely rusted causing a section near the rear passenger's side wheel

detaches. The cause of the corrosion was not determined. The vehicle was not yet repaired. The manufacturer and local dealer were not yet notified of the failure. The failure mileage was 107,500.

NHTSA ID Number 11442065.

- On December 2, 2021, a consumer reported a subframe corrosion problem with a 2010 C 300:

Rear subframe failure due to corrosion. Car has approximately 130k miles. Based on internet reasearch, this is a common issue with the c300 w204 Mercedes' car. It's a serious safety issue and warrants a recall before someone is killed. Failures have happened for this car at various miles on the odometer, without warning.

NHTSA ID Number 11442465.

- On December 10, 2021, a consumer reported a subframe corrosion problem with a 2013 C 300:

While driving at low speed, there was a sudden imbalance in the steering wheel and the car started to pull to the right. The problem was more exaggerated while breaking with significant fishtailing. I immediately took the vehicle to Mercedes-Benz dealership who diagnosed the problem as severely rusted subframe with corrosion and structural instability especially near the rear passenger side wheel. The car is Mercedes C300 4Matic 2013. The incident happened on November 24, 2021. Mileage is 77,000 miles. Should I have waited longer, there was a very high probability of complete breakdown of the subframe which would result in rollover posing high risk of injury and death to the driver and other people on the road.

NHTSA ID Number 11443417.

- On December 23, 2021, a consumer reported a subframe corrosion problem with a 2013 C 300:

COMPONENT FAILURE - Broken rear cross member driver side. Total and Complete failure and separation of rear mount from cross member due to corrosion of components. Passenger side rear cross member at same location found to be “near-failure” state at same location during replacement. (Rear cross member is physically available for inspection and photos are also available). Overall condition of the cross member is excellent other than at the TWO locations where the mounts connect to the cross member which have extensive corrosion, rust thru and failure at driver’s side. SAFETY - Safety was put at risk as the car would pull to left when brakes were applied and it continued to get worse, fortunately we limped the car to a repair location before a fatal accident occurred. The worse part of this whole situation is that Mercedes has encountered this issue before (per research on web sites) and has chosen to not address in the United States. Per research, they have recalled this issue in both the UK and Canada as well as specific dealers in Germany have reimbursed owners for repairs of this issue. This vehicle had recently been to the dealer for services and Firestone for tires and alignment and nobody had noticed the severity of rust. WARNING - No warning lamps, the only advance notice was the vehicle starting to pull toward the left which is what prompted us to seek out repair service. Once, the repair service (Firestone) immediately saw the total failure of the mount disconnected from the subframe they immediately diagnosed the problem with the car pulling to the left.

NHTSA ID Number 11444818.

- On February 4, 2022, a consumer reported a subframe corrosion problem with a 2014 C 300:

This car has 63,792 miles on it and has been continuously garaged and well cared for. All maintenance has been done timely and by Mercedes-

Benz of Tysons Corner (Virginia) since it was purchased there on 01/08/14. All required maintenance was completed as advised and the car was covered under a 7 year 75,000 mile warranty. At the recent regularly scheduled yearly maintenance service completed on 12/28/21 we were advised that the that the "rear sub-frame is beginning to rust through and has a hole on the right rear (RR) and the recommendation was the "replacement of rear sub-frame soon" at an estimated cost of \$4,242.40. This car has never been in an accident. In speaking to the MB service representative about this issue, I was advised that this problem has happened to several C300's from the period 2009-2014 and that Mercedes Benz was not accepting any responsibility for the issue in the US but had issued recalls in other countries. He said Mercedes maintains that it is a "wear and tear" issue. This car has not been abused and has been well maintained. This is not an area of the country where you would expect to see this type of corrosion unless the part was defective in some manner. In researching the problem on the internet, several people write about experiencing a failure of this part although the cars were older than ours and had more mileage on them. It appears to be a safety issue should the part rust through as it could puncture the gas tank or cause the rear wheels to buckle or cause a loss of control of the auto from the auto fishtailing. I have never seen this happen to a car before and I am 75 years old and have owned a number of automobiles over the years.

NHTSA ID Number 11450424.

- On February 20, 2022, a consumer reported a subframe corrosion problem with a 2013 C 300:

2013 MB C300 4matic with 63K miles. It was taken to an MB dealership for yearly maintenance (Service A). A certified maint. tech provided me with an inspection video of the underneath of the car outlining an issue with the rear subframe. The right side has a hole rusted through it and the left side is rusted, but not rusted through...yet. Replacement is recommended, as it will not pass state inspection in it's current condition because it's a safety issue. They also advised that they

have seen a few instances of this problem and have contacted Corporate. This is a 8-9 yr. old vehicle with low mileage and has had consistent maintenance at an MB dealership. The car was inspected in May 2021. There was no indication given at that time, that the subframe was rusting, could be a safety issue, and result in a replacement totaling over \$5K. Once the information was provided during the recent service, I did research and found that this is an issue going back a few years. Some owner's have had this part break while driving causing a dangerous and potential life threatening situation. I then contacted MB customer advocacy to go over the issue and cost involved. I was advised that MB does not assist in repairing the vehicle. However, they would investigate and get back to me. I supplied information to them on 2/9/22 and am waiting for a response. I purchased this vehicle because of the quality of the brand, MB's reputation and longevity. I will not drive the car due to its diagnosis and other owner evidence that the subframe could potentially break while I am driving. It is unacceptable that a major structural component could fail on a vehicle of this age. This requires a recall of the subframe and MB's responsibility for the cost of the repairs.

NHTSA ID Number 11453142.

- On March 10, 2022, a consumer reported a subframe corrosion problem with a 2011 E 350:

Hello, I was driving one night I hit the brake and the car lost control ..I was able to drive home afterward I took the car to a shop and after inception They found the rear K sub frame rusted and broken. The car in excellent shape with no rust or corrosion in any other area. The car has 108k miles and always parked indoor.

NHTSA ID Number 11456111.

- On March 14, 2022, a consumer reported a subframe corrosion problem with a 2013 C 300: “The Rear subframe rusted and broke off, car was not stopping safely.” NHTSA ID Number 11456705.
- On March 18, 2022, a consumer reported a subframe corrosion problem with a 2013 C 300:

I noticed that my car was pulling heavy to the left when I stop and strange noise in the rear of the car, after taking the car to the mechanic he told me that the car rear subframe on my 2013 Mercedes Benz c300 was rotted, the control arm bracket completely broke off on the left side and the right side is also cracked. it appears that this is a common issue in areas of heavy road salt usage during winter months, the dealer told me that the car has a rotted rear subframe problem and the subframe could break out in months.

NHTSA ID Number 11457290.

- On March 24, 2022, a consumer reported a subframe corrosion problem with a 2013 C 300:

The contact owns a 2013 Mercedes-Benz C300. The contact stated that the air bag warning light was illuminated on the instrument panel. Upon taking the vehicle to the dealer, they discovered corrosion underneath the rear subframe. The corrosion caused 2-inch sized holes to be formed on the passenger’s side of the rear subframe. The dealer also discovered corrosion on the wire of one of the seats which resulted in the air bag warning light being illuminated. The manufacturer had been notified of the failure and agreed to cover 50% of the cost for repair of the vehicle. The vehicle had yet to be repaired and remained in the possession of the dealer. The failure mileage was approximately 119,000.

NHTSA ID Number 11458106.

- On March 26, 2022, a consumer reported a subframe corrosion problem with a 2013 C 300:

What component or system failed or malfunctioned, and is it available for inspection upon request? The rear subframe rusted off at where the lower control is connected due to corrosion =. How was your safety or the safety of others put at risk? When the control arm rusted off the frame I lost control of the car due fish tailing and car extremally pulling the to the left while hitting the brakes Has the problem been reproduced or confirmed by a dealer or independent service center? Yes Has the vehicle or component been inspected by the manufacturer, police, insurance representatives or others? no Were there any warning lamps, messages or other symptoms of the problem prior to the failure, and when did they first appear? no warning lamps for the frame, it finally appears and almost caused me to crash after the control are finally rusted off the subframe completely.

NHTSA ID Number 11458435.

- On April 19, 2022, a consumer reported a subframe corrosion problem with a 2014 E 350:

Rusted Rear Subframe presenting a safety hazard. Possible separation of suspension link could lead to loss of control. Brought the 2014 Mercedes Benz E350 (85000 miles) in to the local dealership today for spark plug replacement. Technician performed a visual inspection of the underside of the vehicle and found that the rear subframe had rusted completely through making the care unsafe to drive. Car has been driven in Maryland since new and never exposed to any extraordinary corrosive elements that you might find on roads in colder climates. Car is in otherwise excellent shape with no other visible rust and has never been involved in an accident. The failure of a major suspension component like this on a car in otherwise excellent condition leads me to believe that there is a defect in the manufacturing of the rear subframe component. A quick Google search shows that other

Mercedes vehicles suffer from this same problem. NHTSA ID Number: 11456512 also reports the same problem on the same model car. I have not had the problem repaired yet as I am deciding on next steps. Replacement estimate is approximately \$4000. If I have the work done, I will retain the old subframe for inspection by NHTSA.

NHTSA ID Number 11461357.

- On April 22, 2022, a consumer reported a subframe corrosion problem with a 2014 E 350:

I want to report a structural issue with the Mercedes rear subframe rusting. Three Mercedes dealers told me that it is common but there is no recall. The mechanic told me that if this is not corrected the back wheel will fall off while you are driving. There are no warning lamps. Please help.

NHTSA ID Number 11461802.

- On April 22, 2022, a consumer reported a subframe corrosion problem with a 2013 C 300:

I have a 2013 Mercedes Benz C 300 sport, and I felt my car shaking if I drive above speed of 35-40. Took it to Mercedes Benz dealership is Rockville center NY, they told me it is my subframe, which cost parts \$2496 and labor \$3704, Total \$6196. Sad part is that my car is in excellent condition and Mercedes refuse from even helping to reduce cost.

NHTSA ID Number 11461826.

- On April 22, 2022, a consumer reported a subframe corrosion problem with a 2013 E 350:

Brought car in for routine PA inspection and was told the rear subframe is beginning corrode and will eventually need to be replaced soon as it will not pass inspection. This is a known Mercedes Benz issue and yet there has no recall to date. Could potentially lead to a fatal car accident as the corrosion is not obvious.

NHTSA ID Number 11464387.

- On April 27, 2022, a consumer reported a subframe corrosion problem with a 2013 C 300: “Rusting subframe to point of hole thru rust be leaf rear wheel/tire area. Garaged daily since purchased 2013. Reside in Ohio. Approx 80k miles.” NHTSA ID Number 11462471.
- On May 16, 2022, a consumer reported a subframe corrosion problem with a 2013 C 300:

2013 Mercedes Benz C300 4dr AWD. Corrosion of Rear Sub-Frame (aka “Rear Axle Carrier” or “Suspension Cross Member”) (New Part #: 207-350-97-02. Old Part #: 204-350-01-41 + other numbers). Car experienced erratic behavior under all braking scenarios. Extremely dangerous behavior under heavy breaking (65 mph to 25 mph). Life threatening severity of issue. 2 personal experiences. 1: Stopping at a yellow light in a quick fashion (55-0 mph, no abs required), car pulled hard to left and almost pulled me into curbing on left hand side. It felt like the rear end was on ice and was going to do a 180 partial spin. 2: Pulling off a highway into a turning lane and braked hard to slow down for right hand turn (65-15 mph). Car pulled about 8 feet left and almost put me back into full speed traffic. Same uncontrollable "on ice" feeling. I was on a road trip and had car towed to independent mechanic in the town I was visiting. He found holes throughout rear sub-frame member on drivers side and passenger side. Mounting points for suspension components were not structurally sound. He said I was lucky the control arm didn't break loose and puncture the gas tank.

Corrosion was limited to sub-frame. The rest of car was “Nearly Perfect” in the words of the mechanic. Called Mercedes Corporate and they advised towing car to local MB dealer for inspection. MB Lancaster determined car was unsafe to drive. I am currently pursuing a good will repair case that has been initially denied. Parts are back ordered for 10+ weeks. I've called several dealers to source the part and nearly dealers have orders placed to Germany for these sub frames. Repair + alignment is approximately 4k USD. In 2018, Mercedes has issued Official Service Information Supplemental Notes (SI35.00-P0009A) to technicians to look for premature corrosion issues. This is free of charge replacement in UK and Germany already and a recall in Canada. US needs to catch up quick before death occurs.

NHTSA ID Number 11464793.

- On May 18, 2022, a consumer reported a subframe corrosion problem with a 2011 E 350:

Brought car in for routine PA inspection and was told the rear subframe is beginning corrode and will eventually need to be replaced soon as it will not pass inspection. This is a known Mercedes Benz issue and yet there has no recall to date. Could potentially lead to a fatal car accident as the corrosion is not obvious.

NHTSA ID Number 11465123.

- On May 21, 2022, a consumer reported a subframe corrosion problem with a 2013 C 300:

Started noticing strange chassis behavior when braking. Braking hard would result in car leaning left, then leaning right when foot taken off the brake. Car appeared to "sway" on braking. Hard to control direction of vehicle on braking. Consulted local mechanic who put the car up on a lift. Discovered rotten rear subframe on left side. No substantial rust or rot on any other structural components. Looked into this issue online;

no recall discovered. Found multiple instances of this rear subframe rot occurring to other owners of similar-year C300s who were then also quoted thousands of dollars in repairs. Car is not safe to drive until the subframe is replaced. The wrong pothole could cause the rotten rear subframe to snap and potentially cause more damage to the vehicle and injury to the driver and others. No warning lamps or other system messages to warn of this problem. A safety inspection performed at an authorized Mercedes-Benz service center on February 22, 2021 found no issues with the vehicle.

NHTSA ID Number 11465567.

- On May 25, 2022, a consumer reported a subframe corrosion problem with a 2014 E 350:

During state inspection (Pennsylvania) I was told that the rear subframe was rusted. If this part failed the vehicle could become uncontrollable and crash. They are not able to repair this since so many other vehicles have this problem. They have no idea when they could get a replacement subframe. The car is 8 years old but very low mileage (~34,000). Do to the frequent occurrence of this problem (by their report) and potential safety issues, I believe this should prompt a recall.

NHTSA ID Number 11466046.

- On May 31, 2022, a consumer reported a subframe corrosion problem with a 2013 C 300: "Subframe cracked while driving vehicle and began to sway in the rear very badly." NHTSA ID Number 11466763.
- On June 10, 2022, a consumer reported a subframe corrosion problem with a 2012 E 350:

I found that the subframe had been recalled in other countries, but not in the united states? The large number of failures on this subframe across multiple models is concerning. This is a gross failure of a major safety component that can cause serious injury or death. My

research showed this part has been recalled in Canada; MBUSA feels the need to wait to do so until a serious injury or death has occurred. The defective subframe is known and the new part's design has been amended to take into account this rust issue. This is especially concerning considering the recent recall on the brake boosters due to advanced corrosion. MBUSA's decision exhibits a lack of accountability for a defective part and this issue needs to be promptly addressed for the safety of its customers.

NHTSA ID Number 11468693.

- On June 13, 2022, a consumer reported a subframe corrosion problem with a 2013 C 300:

The rear subframe has failed. I have felt some swaying and decreased control when driving the car at higher speeds especially when braking and taking curves. My safety has been put at risk as the wheel could go out and cause an accident. I brought the car to the mechanics at Goodyear as I thought it was the brakes. They informed me that the rear subframe was rusted from the inside out and was loose at the left rear toe arm. I am setting up an appointment to get this taken care of. As I am calling, mechanics are letting me know that the subframes are on backorder in the range of months. They say they are seeing this more often. I contacted the dealer and they said they can get a used one and replace it for \$5200. I believe that if this is becoming more common where new ones are on backorder and this is obviously a safety issue then a recall should be issued. The car is only 9 years old and is garage-kept. I think that this idea of that type of rust at this point is absurd.

NHTSA ID Number 11469043.

- On July 6, 2022, a consumer reported a subframe corrosion problem with a 2014 E 350:

Have purchased a 2014 Mercedes E350 59k miles. This vehicle has an issue as so do many Mercedes with their rear subframes rotted out at the control arm bracket which causes the rear link/thrust arm to detach from the subframe/axle carrier and poses a danger when breaking due to the rear spindle assembly flexing throwing the wheels out of alignment and could be at risk for a car crack. This vehicle has already been in a minor crash as a result of this issue. I personally have not brought it to Mercedes to get it diagnosed inspected or the police law enforcement but there are many cases online on the Mercedes Benz forums to which this has also happened to. This issue applies to other Mercedes models ranging from 2010 all the way to 2016. Videos of the exact vehicle brought to an independent shop available upon request.

NHTSA ID Number 11472559.

- On July 11, 2022, a consumer reported a subframe corrosion problem with a 2011 E 350:

Just been told by the Mercedes Benz Service/Dealership that on my 2011 E-350 which has only about 73,000 miles that rear subframe of the car is so badly rusted that it is a serious safety hazard to drive this car, and it wouldn't pass the PA State Safety inspection. For safety reasons, the MB Service Manager has advised not to drive the vehicle until the issue is fixed. The cost to fix/replace the sub-frame and associated labor charges is quoted is \$5400.00. The car has been serviced regularly as recommended by the manufacturer exclusively at the same Mercedes Benz dealership. It is hard to imagine that a company such as Mercedes Benz would make parts that would be rusted and damaged so easily and quickly. This ought to be a flawed part and/or poor-quality material to rust and become a safety hazard. I have now seen many postings on the BenzWorld.org forum who are experiencing this issue. I strongly believe, Mercedes Benz should be held liable and accountable to replace and/or repair the issue at their own cost - there should be a safety recall. Over the years, I have driven many cars for much longer time (over 15 years) and many more miles (over 150,000 miles) but never had such a rusting issue, and such

expensive repair/replacement to rectify the issue. It is unfair to the consumers to subject them such safety hazard to themselves and others on the road.

NHTSA ID Number 11473350.

- On July 23, 2022, a consumer reported a subframe corrosion problem with a 2014 E 350:

Vehicle is 9 years old, with 73000 miles. Dealer Service has advised that the rear subframe and brake lines are rusting and need to be replaced as a safety issue. Cost quoted was \$8800. Mercedes agreed to pick up the cost of the parts and the dealer offered to split the installation cost, bringing my total down to \$3150. On-line research reveals this is a common problem across several product lines and has been an issue for 20+ years. Failure at this point could lead to uncontrolled movement of the the rear suspension structure, the rear suspension members, wheels, and electronic sensors in the ABS causing loss of control and brake failure.

NHTSA ID Number 11475542.

- On August 8, 2022, a consumer reported a subframe corrosion problem with a 2014 E 350:

The Rear Subframe Unit of this 2014 E-Class E212 is diagnosed as rusted and rotted out on this 8 year old vehicle. The poor quality of this part from Mercedes Benz is known to be an underlying, hidden risk factor to the stability of the vehicle. This is a hidden/underlying area of the vehicle, not visible to the driver/owners, that without cause, can break free from the main frame structure of the vehicle and create a stability factor when cornering and braking, causing swaying of the rear and owner panic when abruptly stopping. I had this vehicle serviced at Catonsville Mercedes-Benz since I purchased the vehicle on April 14, 2017. On my last visit on December 19, 2019 having only 40,051 miles.

No physical evidence know to me during this inspection. The vehicle has been hardly used. My next service was done on July 28,2022, having only 49,250 miles. That's just 9,299 miles and just over 2 years later, no harsh weather conditions, and the dealership has confirmed that this subframe has rotted out and rusted nearly thru. The service writer informed me that this is a serious condition that can break apart and lead to a very serious accident. Depending on certain driving conditions, if this breaks apart unknowingly, can be catastrophic. Mercedes Benz advertised greatly the ultimate safety features of its products, only to be realized, that it has used poor quality galvanized steel on a major structure of its framework to save cost. Mercedes provides a 3 year/36,000 mile and a 5 year 50,000 mile powertrain warranty which neither covers this. Galvanized steel has a life expectancy of 6 to 8 years resulting in deterioration, which Mercedes knowingly intends to pass this repair cost to the owners. This vehicle was inspected by a certified authorized Mercedes Benz dealership. Warning lights, message sensors are not installed on this part. No other parts surrounding this component show any signs of rust, rot or deterioration. I feel unsafe to drive or place family within.

NHTSA ID Number 11478180.

- On August 10, 2022, a consumer reported a subframe corrosion problem with a 2013 C 350:

I noticed my 2013 MB C350 was making strange noises and vibrations. I could feel the car steering in a different direction when I let go of the wheel. I took it to my service dealer and was told the subframe was severely rusted which included the suspension, struts, and even brake line. I was told the car was dangerous to drive and had to keep it at the shop for 45 days while waiting for the parts to come in. Apparently this is a "common" issue with this generation of C-class. There should be nothing common or normal about a rotting subframe after only 8 years of use. This a manufacturer's defect and the manufacturer needs to be held responsible for using inferior parts for cost cutting measures. I had

to pay several thousands of dollars for an issue that shouldn't be an issue for 20+ years.

NHTSA ID Number 11478705.

- On September 1, 2022, a consumer reported a subframe corrosion problem with a 2010 E 350:

My family has owned this vehicle since 2013 when it was purchased from the local Mercedes dealership as certified pre-owned. In the past few years, we have had to have several of the rear brake lines replaced due to rust. The last time, we were told by the mechanic that the complete rear subframe would have to be replaced due to rust. Specifically the attachment points from the subframe to the rear suspension have completely rusted through. I contacted the dealership where the car was purchased. They stated they are aware of this issue on almost all of the cars of that period but offered no solution other than a repair of \$5,000. Many of the cars of that era and class have serious rust issues but Mercedes chooses to do nothing about it. This is a serious safety issue because the entire rear suspension and brakes attach to the subframe and could come loose at any point while driving. I would like this to be repaired by the manufacturer. Thank you

NHTSA ID Number 11482416.

- On September 3, 2022, a consumer reported a subframe corrosion problem with a 2016 E 350:

The car was in for (Aug 2022) annual safety and emissions state (PA) inspection and normal maintenance. Last performed Aug 2021. I was told that the car failed safety inspection because the Rear SubFrame had rusted through. A hole was present not just surface rust. The car has 58,000 miles and garage kept. The car was just (June 2022) in for all 4 wheel brakes replaced along with 4 tires. There hasn't been any recall on this and they quoted Repair price of \$5,400 and expect me to pay

\$1,000 towards that replace and repair. My question is clearly this is an inferior part. I've since investigated that recalls have been issued for the C model but not on the E which I own. If my car was in for inspection 12 mos ago and in for brakes 3 mos ago how long did it take to rust through? We're talking about a hole not surface rust. I can't believe that the hole just appeared anyway but within the time last safety inspection occurred. Why do I maintain the service recommendations and have safety concern that the manufacture will not own up to and that me and my family are at risk of an accident. I'n fact the service manager admitted that he is seeing more and more of theses failures.

NHTSA ID Number 11482740.

- On September 8, 2022, a consumer reported a subframe corrosion problem with a 2014 E 350:

This issue is pertaining to a 2014 E350 Mercedes Benz. The brake system is in jeopardy. The subframe has rotted and cracked. Mercedes Benz is aware that this is a problem for many of their vehicles. While the right side of the subframe is rusted and beginning to crack, the left side of the subframe is totally rusted and busted out. The vehicle is routinely brought to the Mercedes Benz dealership for maintenance visits. It was making cracking sound in 2021, we brought it in to be serviced for that reason on 11/23/21. This issue was not noted at that time. Mercedes Benz indicated the solution was a lube. The issue persisted post visit. The car is infrequently driven because the primary driver teleworks. We returned the car to the dealership for an assessment 8/6/2022 due to ongoing concerns for our safety. The first indicator that there was a problem was the unfamiliar cracking sound as if the car could snap in half, then hard pulling to the left when braking. There was never a warning light or any other indicator on the dashboard or otherwise. The owners initiated the visit to the Mercedes Benz dealership. Mercedes Benz reported that they did not see the rust when they assessed the car for the cracking sound in 11/2021, furthermore that the rust and deterioration happens rapidly. Had the

right side of the subframe also rusted and rotted out, this could have resulted in a total loss of control over the vehicle and been needlessly catastrophic. Warning indicators necessary and routine free inspection are warranted. Repairs for the subframe alone will cost more than \$4000. This is a hardship. Further, it's unclear if the malfunctioning rear left caliper resulted from the rotted subframe. The vehicle appears to be in otherwise pristine condition. Mercedes Benz has never indicated there were any issues with the vehicle's subframe despite routine class service visits at the dealership. An internet search confirms this issue is not uncommon and possibly negligible.

NHTSA ID Number 11483603.

- On September 14, 2022, a consumer reported a subframe corrosion problem with a 2013 E 350: "Upon routine maintenance visit to manufacturer dealer, was told that rear subframe assembly was corroded and could fail. Took vehicle to other local manufacturer dealer and they confirmed the same. Was able to catch the issue before incident, but was told subframe failure was imminent." NHTSA ID Number 11484408.

- On September 23, 2022, a consumer reported a subframe corrosion problem with a 2014 E 350:

The subframe on this vehicle is broken I took it to an independent dealer and they said they have never seen anything like this on a car this old. The Mercedes dealer told me that it would cost me \$5000 for them to fix it about 3 weeks ago but said it's rusting and beginning to crack. But never said it was something that needed to be addressed immediately. Upon further research it seems to be a common issue on this make and model on the right side.

NHTSA ID Number 11486098.

- On September 27, 2022, a consumer reported a subframe corrosion problem with a 2014 E 350:

Rear subframe crossmember that connects to rear suspension is cracked and rusted resulting in dangerous handling characteristics. Part is severely back-ordered due to volume of consumers facing this problem. When braking hard, car swerves to right and can cross lanes. While this part broke, the car is otherwise rust-free. Brakes have been recently updated. If this is a common complaint, there should be a recall. The severe parts back-order leads me to believe that there are significant failures in the field.

NHTSA ID Number 11486713.

- On October 2, 2022, a consumer reported a subframe corrosion problem with a 2012 E 350:

In having maintenance on my vehicle, the dealer advised that the subframe is corroding and needs to be replaced. I searched several Mercedes forums and found a number of owners citing similar corroding subframes yet no other undercarriage components showed rust or corrosion. All owners felt that this should be remedied by Mercedes before a failure causes injuries. Forum participants suggested and encouraged to file a complaint to NHTSA for investigation.

NHTSA ID Number 11487500.

- On October 3, 2022, a consumer reported a subframe corrosion problem with a 2014 E 350:

The contact owns a 2014 Mercedes-Benz E350. The contact had taken the vehicle to an independent mechanic and was informed that the subframe was rusted. A dealer was not contacted. The vehicle was not diagnosed or repaired. The manufacturer had been informed of the failure. The failure mileage was approximately 97,000.

NHTSA ID Number 11487676.

- On October 10, 2022, a consumer reported a subframe corrosion problem with a 2014 E 350:

2014 E350 with 41,000 miles. Rusted subframe and was informed that it represented unsafe and risky driving conditions. Reported this to manufacturer as, apparently, it is a very common problem with certain Mercedes classes. No recall and very expensive fix (\$4500)! Not my idea of a safe and reliable car, as Mercedes likes to advertise. Consumers should not be responsible for manufacturing defects/ poor quality of materials used and should definitely not be exposed to unsafe conditions when operating their vehicle!

NHTSA ID Number 11488610.

- On October 17, 2022, a consumer reported a subframe corrosion problem with a 2011 E 350:

The contact owns a 2011 Mercedes-Benz E350. The contact stated that while the vehicle was at the local dealer for a routine oil change, the contact was informed that the rear subframe, control arms, brake lines, and pipe socket were corroded. The vehicle was not repaired. The manufacturer had not been informed of the failure. The failure mileage was approximately 132,000.

NHTSA ID Number 11489519.

- On October 18, 2022, a consumer reported a subframe corrosion problem with a 2014 E 350: "In a routine oil change, Mercedes dealership reports poorly rusted subframe. 2014 E350 with 160,000." NHSA ID Number 11489879.
- On October 20, 2022, a consumer reported a subframe corrosion problem with a 2014 E 350:

The 2014 E350 4matic was diagnosed by the Dealer with a cracked rear subframe. When I questioned that is this common with a 2014 model

EClass they were not sure. Calling MB USA they felt there weren't any complaints. When I called 9 different dealers in the USA looking for a NEW subframe for the E-Class, the common response was we are receiving many calls about replacing the subframe due to issues / cracked frame/rust, etc. They were all surprised and felt this is odd that this model would have so many subframe issues. MBUSA denied any issues as far as any structural issues. Very odd that my 2014 with approx 100k miles (garaged all the time) has subframe issues.

NHTSA ID Number 11490187.

- On October 23, 2022, a consumer reported a subframe corrosion problem with a 2011 E 350:

The rear subframe failed as a result of pre-mature corrosion while traveling at 70mph. Control of vehicle was lost and could easily have led to a multiple fatality incident if not for luck. The problem has been reproduced in many Mercedes models around this model year and Mercedes is well aware of the issue with their inferior subframe. NHTSA needs to order a recall from Mercedes as class action lawsuits are going to be put together if nothing is done. There was no warning that this subframe was going to fail.

NHTSA ID Number 11490459.

- On October 24, 2022, a consumer reported a subframe corrosion problem with a 2014 E 350:

The rear sub-frame involving vehicle stability under braking and turning. A component that should remain attached to the vehicle has broken off due to corrosion. My vehicle is not that old that a key structural component of the car should break at the weld/attachment point. I have video of this defect. But its greater than 10MB and will not let me upload it is there an email I can send it to ?

NHTSA ID Number 11490604.

- On October 26, 2022, a consumer reported a subframe corrosion problem with a 2015 E 350:

The rear subframe of the car (MB E350, 2015 with 81,000 miles) is completely rusted/corroded through creating an unsafe situation where the car pulled left on braking with resultant loss of control of the vehicle as it spun out. The brake lines are adjacent and are also currently being inspected by MB Open Road Service [XXX] in Bridgewater, NJ. It is a miracle we (my three grandchildren, my husband, and/or I) were not involved in a tragic accident. This manufacturing component failure has been widely reported in the USA and worldwide for years with recalls in other countries, but not yet in the USA. I also reported this by phone to MBUSA, but have yet to receive any information or confirmation of the issue in writing. As you can see from the photo (courtesy of Denson's Auto Repair who has seen this issue before), the subframe is completely corroded through. There were no warning lights and I get my vehicle serviced at the dealer every year. The vehicle was thoroughly inspected in January of 2022 for an A type service and no mention was made to me at that time about this dangerous corrosion. This is a material failure and not simply a result of harsh NJ winters with salted roads. I have never seen subframe corrosion failure in any of my cars with far more years and miles on them. INFORMATION Redacted PURSUANT TO THE FREEDOM OF INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6).

NHTSA ID Number 11491007.

- On October 28, 2022, a consumer reported a subframe corrosion problem with a 2014 E 350:

When I took my vehicle to the dealership for service to have it inspected, I was told that it would not pass inspection due to the corrosion of the rear subframe. They told me this is a serious safety

issue and that they are seeing a lot of Mercedes, especially in the last year and a half, that have this issue. The repair will cost me \$4,500, Mercedes does not cover the cost even though it is a major structural issue. The subframe should last the life of the vehicle which is only 8 years old/60,000 miles and has been garage kept with all recommended services done by the dealer. My life and the life of others is at risk as if the subframe fails, it causes loss of control of the car. Mercedes will not issue a recall. Mercedes owners don't even know to look out for this problem. Why do they have air bag recall and braking system recall but not a recall for this as Mercedes Benz in the UK does??

NHTSA ID Number 11491328.

- On October 31, 2022, a consumer reported a subframe corrosion problem with a 2012 E 350:

The rear subframe is broken. I was braking and the car lost control about two weeks ago. Ever since then the car feels like it's slipping whenever I brake or on a turn. I lose control of the car and I'm endangering my life and others. I went to take my vehicle to get inspected today and the said the rear subframe is broken and no fault of my own. The car was kept in a garage for years and only has 55k miles on it. There's no reason a subframe should be broken.

NHTSA ID Number 11491677.

- On November 11, 2022, a consumer reported a subframe corrosion problem with a 2011 E 350:

I noticed fluid on the ground under my car in the driveway. Turns out it was brake fluid, the vehicle alerted me to low brake fluid. Here was a broken brake line which appears to have been caused by the subframe being rusted out. The issue is with the rear subframe on the Mercedes' E and C class dating from 2008 on. Mine is a 2011 E class. The subframes on these vehicles rust and rot out causing issues to the

brake lines and rear suspension parts rotting / rusting out due to the subframe being compromised. I've taken my vehicle to the dealer to look at the brake line and I was advised that the subframe was rusting out and should be replaced as well, it will only worsen, creating a safety hazard while driving because it can cause the car not to stop properly and difficult to control. I've taken the vehicle to repair shop and was told the same. Also was advised by both the dealer and private repair shops that this is a common issue with these vehicles, yet there is no recall by Mercedes in this country. Canada has a recall for this issue and other countries as well but not the USA. I was quoted \$5000 to fix the issue by putting a new subframe, repairing is not possible. The part itself is on back order almost everywhere due to the commonality of this issue. This has caused the price to go up in cost due to the demand. A junkyard / car parts quoted me \$2000 for a used subframe. As a service connected disabled Veteran I find this issue to be very concerning and ask why this is not a recall that Mercedes should replace without cost to the consumer. I hope that my complaint and hopefully others as well can get this issue resolved and hold Mercedes accountable. The subframe rust out yet other parts around it does not, this has to be a manufacturer issue with the sub frame. Reports of this issue are in warm weather southern states with no snow or salt issues as well as northern states

NHTSA ID Number 11493197.

- On November 14, 2022, a consumer reported a subframe corrosion problem with a 2013 E 350:

The contact owns a 2013 Mercedes-Benz E350. The contact stated that while driving at various speeds, after depressing the brake pedal, the vehicle was jerking and steering to the left independently. No warning lights were illuminated. The vehicle was taken to an independent mechanic, where it was diagnosed that the rear subframe needed to be replaced. The vehicle remained at the independent mechanic awaiting the repair. The manufacturer was made aware of the failure. The approximate failure mileage was 181,000. The contact stated that the

rusty subframe was so bad that if a piece had broken off it could have punctured the gas tank. The contact paid for the repairs necessary to fix the issues.

NHTSA ID Number 11493501.

- On November 18, 2022, a consumer reported a subframe corrosion problem with a 2012 E 350:

A state inspection identified that the rear subframe is rusted through. Per the service advisor, the failure of the rear subframe is a safety hazard because it effects steering and braking, and complete failure can cause loss of brakes. Service advisor advised not to drive the vehicle until repairs are made due to safety concerns. Vehicle failed inspection because the issue is a safety issue.

NHTSA ID Number 11494095.

- On November 30, 2022, a consumer reported a subframe corrosion problem with a 2014 E 350: "Driver's side rear subframe has rusted to the point metal is split open. This was found during routine maintenance service at dealer. While braking the vehicle pulls to the left. If not replaced, wheel can fall off." NHTSA ID Number 11495536.
- On November 30, 2022, a consumer reported a subframe corrosion problem with a 2014 E 350: "Brake line to rear completely rusted through. Lost brake control while driving. Upon further inspection, the entire rear subframe has significant rust damage that warrants replacement." NHTSA ID Number 11495481.
- On December 1, 2022, a consumer reported a subframe corrosion problem with a 2013 E 350:

The contact owns a 2013 Mercedes-Benz E350. The contact stated that an abnormal, fuel odor was coming from the vehicle without warning. The contact later noticed a small leak coming from the fuel tank. The

vehicle was taken to a dealer where it was confirmed that the fuel leak was caused by severe corrosion to the subframe. The contact was then informed that the vehicle was unsafe to drive. The manufacturer was notified of the failure, and the contact was provided a case number. The vehicle was not repaired. The failure mileage was approximately 100,000.

NHTSA ID Number 11495598.

- On December 1, 2022, a consumer reported a subframe corrosion problem with a 2011 E 350:

Rear sub-frame is starting to rust/corrode. Understand from my repair shop that similar problems have been identified in other models using same rear subframe (W204 2008-2014 C-Class). Failure of the rear subframe may result in tire detachment and possible rupture of the fuel tank by metal fragments (per the repair shop).

NHTSA ID Number 11495638.

- On December 16, 2022, a consumer reported a subframe corrosion problem with a 2011 E 350: “The subframe is rusting in four places in the area of the wheels. If the frame breaks I could lose control of the vehicle” NHTSA ID Number 11497716.
- On December 23, 2022, a consumer reported a subframe corrosion problem with a 2014 E 350:

I own a 2014 Mercedes-Benz E350, 4matic. that yeah car has approximately 64,500 miles on it. I recently Took it in for service and was advised that the rear subframe has a whole rusted through on the left side. The dealers advice was to replace the rear subframe. I was advised that it is not presently a safety issue, but it was going to be a safety issue as the rust continued. I was dubious about this advice, so I took the vehicle to a second dealer, who also identified the rust issue in the same area. Both dealer representatives advised that they had seen

these issues before with the 350 class, and that there had been many complaints about them. I am aware that MB has replaced subframes on this group of cars in Germany and in Canada already—this is a well-known issue. The repair will cost between 3,800-5,000, but my real concern is that the subframe will fail and cause injury or death before it can be repaired. I do not believe this to be ordinary wear and tear as the car is relatively young, and rust is a very controllable problem with current vehicle technology. I am concerned that the scope of this problem is widespread, as both dealer representatives said that they had seen many cars with this issue. It needs to be recalled and repaired before people are injured or die.

NHTSA ID Number 11498696.

- On December 24, 2022, a consumer reported a subframe corrosion problem with a 2013 E 350:

RUST ON THE REAR SUBFRAME AND CAR WILL NOT PASS INSPECTION. MB WILL NOT HELP AND THESE CARS ARE A DANGER TO THE PEOPLE ON THE ROAD AND WILL CAUSE DEATH IF THIS PROBLEM IS NOT FIXED. PEOPLE CANNOT AFFORD 5K TO FIX THIS PROBLEM. ALL THESE CARS WITH THIS PROBLEM AND MB IS NOT TAKING THE BLAME FOR THIS AND NOT LISTING THIS AS A RECALL TILL SOMEONE DIES.

NHTSA ID Number 11498731.

- On December 24, 2022, a consumer reported a subframe corrosion problem with a 2011 E 350:

There is a hole rusted through the vehicle's rear subframe assembly and it is dangerous to drive. My car is an E350 Mercedes with 78,000 miles and garage-kept. Mercedes knows of this issue and is not helping anyone with this problem. The job costs about 5000.00 to fix.

NHTSA ID Number 11498730.

- On December 28, 2022, a consumer reported a subframe corrosion problem with a 2010 E 350:

During maintenance check, mechanic indicated rust on the rear subframe that can lead to failure. Failure on this car would cause a puncture of the fuel tank due to car design. Upon further research, this is a well known issue with MB and is covered as a recall in all countries other than the US. Please encourage Mercedes Benz to do the right thing and issue a recall for this defective component, to avoid serious accidents.

NHTSA ID Number 11499181.

- On December 31, 2022, a consumer reported a subframe corrosion problem with a 2012 E 350:

I have video available that shows significant premature corrosion of the rear subframe and brake line. The safety of others will be put at risk at the time of failure. Failed subframes can lead to loss of control. This problem has been identified and the part inspected by a Mercedes dealership. There are no warning lamps or messages to alert the driver that failure is imminent. This was discovered in the process of the car being serviced for an unrelated emissions recall. Many Mercedes owners report having severe rear subframe and brake line corrosion issues on message boards. Some reported their cars unexpectedly sway and drift to one side while breaking. In multiple European countries, Mercedes is apparently aware of the problem and is voluntarily replacing the rear subframe for free. However, in the USA, Mercedes is quoting their customers approximately 6,000 to 7,000 to rectify the issue. Without NHTSAs intervention, dealer service departments will continue to profit from the failure of this critical component. Customers unprepared to pay for such a significant repair

will defer maintenance until they can afford to address the matter. Some of these cars will be dumped at trade in and passed on to unsuspecting consumers. Those consumers may be your friends and loved ones. We need government to step in and protect the public interest. “If not you, then who? If not now, when?”

NHTSA ID Number 11499614.

- On January 2, 2023, a consumer reported a subframe corrosion problem with a 2011 E 350:

I was on the highway traveling at 70 mph, when I noticed something was not right. I would switch lanes and notice the vehicle swaying in the rear I would also brake, and notice car would sway. I didn't have any warning signs, and have deemed my vehicle unsafe to drive. Upon further inspection, I noticed that the rear subframe has been compromised with rust, fully detaching the lower control arm from driver's side rear. This incident could have been catastrophic. I could have easily loss control of the vehicle and death could have occurred to me and others. Perhaps the whole rear axel and wheels could have detached at high speeds

NHTSA ID Number 11499814.

- On January 9, 2023, a consumer reported a subframe corrosion problem with a 2015 E 350: “Rear subframe assembly prematurely rust causing failure of the assembly requiring replacement. If not found could cause failure while driving resulting in an accident.” NHTSA ID Number 11500927.
- On January 9, 2023, a consumer reported a subframe corrosion problem with a 2013 E 350:

The contact owns a 2013 Mercedes-Benz E350. The contact stated that while the vehicle was being State Inspected, the vehicle failed due to a rusted subframe. The contact stated while driving 65 MPH, there was sway coming from the rear-end of the vehicle. There was also a slight

vibration coming from the vehicle. There were no warning lights illuminated. The vehicle was not repaired. The manufacturer was not made aware of the failure. The approximate failure mileage was 130,000.

NHTSA ID Number 11500788.

- On January 10, 2023, a consumer reported a subframe corrosion problem with a 2014 E 350:

The contact's wife owns a 2014 Mercedes-Benz E-350. The contact stated that while driving at various speeds, the rear of the vehicle was swerving. The contact stated while the brake pedal was depressed, the rear of the vehicle shifted. No warning light was illuminated. The vehicle was taken to the dealer where it was diagnosed that the rear subframe was rusted and needed to be replaced. The vehicle was repaired. The manufacturer was notified of the failure, but no assistance was provided. The contact was awaiting a response. The failure mileage was approximately 72,000.

NHTSA ID Number 11501098.

- On January 13, 2023, a consumer reported a subframe corrosion problem with a 2014 E 350:

I brought my car into Mercedes on 9/13/2022 and was told my brake lines and subframe were rusting. It's a 2014 with only 80k miles on it. I was told I had a year before it needed to be replaced/addressed. I brought the car in again on December 12, 2022 and they said on a scale of 1-10 the subframes and brake lines were a 7 and were a safety issue. After doing some research, I am clearly not the only owner of this model dealing with this issue. This is safety issue and should be recalled. Subframes and brake lines should not rust so quickly.

NHTSA ID Number 11501601.

- On January 17, 2023, a consumer reported a subframe corrosion problem with a 2014 E 350:

While driving down the road at 60mph, I hit the brakes to slow down. I heard a pop and thunk from the rear of the vehicle. I thought it was some boxes in the back of my car and forgot about it. I then brought my car into the dealer for an engine computer update and during the inspection they found that the passenger rear control arm mount broke away from the sub frame and that the rear brake lines were heavily rusted. They quoted a new rear subframe and brake lines. If I was on the freeway and this happened or I had to take evasive maneuvers I most likely would have crashed. The mechanic told me the weld broke where the control arm mounts to the subframe. He inspected the rest of the vehicle and everything looks good. On a less than 9 year old vehicle the subframe should not have rusted enough to break. Especially on a safety issue like the suspension and brakes. Mercedes should have done a better job with their welds and with their rust proofing especially on safety components.

NHTSA ID Number 11502210.

- On January 22, 2023, a consumer reported a subframe corrosion problem with a 2014 E 350:

The subframe of my vehicle is prematurely rusting, creating the risk of unpredictable, catastrophic failure. This failure could cause loss of control of the vehicle and severe injury and/or death. The vehicle is available for inspection. My independent mechanic is aware this is a known problem with these vehicles, and has been monitoring mine, and his mother's, for damage. By August 2023, my vehicle will fail Pennsylvania's safety inspection. The vehicle has not yet been inspected by any entity other than my mechanic. There is no warning, from any system of the vehicle, of the deterioration, extent of deterioration, or impending failure of the subframe.

NHTSA ID Number 11502995.

- On January 23, 2023, a consumer reported a subframe corrosion problem with a 2012 E 350:

The rear subframe of this vehicle has rusted on a seam and is cracking. I do not know if the seam is a weld or a bend in the metal. There is no corrosion on rest of the underbody. I do not know when the condition started. I noticed it upon braking. It felt as though the rear end of the vehicle was going to swing out around me. It started about three months before this report and got progressively worse. It was only noticeable when braking firmly from moderate or higher speeds, I have taken the vehicle to the Mercedes dealership and they advise the fault is not covered by warranty. A Google search would indicate that this is a problem occurring worldwide with Mercedes vehicles that use the identical sub frame to that in my vehicle.

NHTSA ID Number 11503151.

- On January 24, 2023, a consumer reported a subframe corrosion problem with a 2012 E 350:

Rear sub-frame rotted out and would not pass state inspection. Repair shop contacted local Mercedes dealer and was told they were not aware of a problem. However if you perform an internet search, it is a problem. Dealer had two sub-frames in stock, however they were reserved for scheduled repairs and did not know when they. My repair shop located an after market frame and the car was repaired. In addition, the repair shops opinion is the design of the sub-frame is at fault as it retains water leading to corrosion. I performed my own internet search and it is a very known problem not only with the E350 model but also others.

NHTSA ID Number 11503389.

- On January 25, 2023, a consumer reported a subframe corrosion problem with a 2010 E 350: “REAR SUBFRAME RUSTED THROUGH MAKING THE VEHICLE UNSAFE TO DRIVE. I WAS TOLD TO PARK IT UNTIL I HAD IT FIXED. THE SUBFRAME HAD BEGUN FLEXING AS I DROVE AND MAKE A LOUD NOISE.” NHTSA ID Number 11503714.
- On January 26, 2023, a consumer reported a subframe corrosion problem with a 2011 E 350: “Rear subframe corrosion/damage leading to rust/holes and unsafe driving. This issue can cause the bottom of the vehicle to collapse. Mercedes Benz across many countries acknowledge this as a recall and repairs free of charge except USA. USA should acknowledge this defect as well.” NHTSA ID Number 11503906.
- On January 26, 2023, a consumer reported a subframe corrosion problem with a 2011 E 350: “Rear subframe corrosion causing rear subframe failure/rusting which is a huge hazard. Mercedes Benz in several countries have recalled the rear subframe and are replacing free of charge. Mercedes Benz USA is not acknowledging this recall, it is a major issue and thousands are impacted.” NHTSA ID Number 11503905.
- On February 4, 2023, a consumer reported a subframe corrosion problem with a 2013 E 350:

Same problem that many others have reported. Took car dealer for a battery. Was told subframe is rusted and about \$5000 to fix and that if not fixed could lead to car failure. 1) Why has Mercedes not informed the many thousand 2010-2014 C-Class and E-Class drivers affected by this dangerous defect. Many do not take their cars to the dealership for service anymore and could miss the problem until it is too late. 2) These cars have been recalled in Germany and elsewhere. Why not in the United States? 3) Is this situation up the the standards of NHTSA? If not why has a recall not been ordered? 4) Is there a difference in weighing customer safety against company bottom-line in the US compared to other countries? Thanks.

NHTSA ID Number 11505557.

- On February 8, 2023, a consumer reported a subframe corrosion problem with a 2012 E 350:

My 2012 Mercedes E350 has rear sub-frame is starting to rust/corrode and I need to replace it within 3 months. This could cause the rear end to break free and forcing the back of the vehicle to swerve while braking. My Mercedes authorized repair shop stated that similar problems have been identified in other models using same rear subframe and they have replaced them. I have 143K miles and the car is garaged year round. It will cost \$5K to repair. Mercedes USA will not fix this for free while all European Mercedes group repair this for free as a defect.

NHTSA ID Number 11506183.

55. Class Vehicle owners have also extensively complained of premature rear subframe corrosion on various Mercedes-Benz forums. For example, on the forum BenzWorld.org, a thread was started on March 24, 2020 entitled “W204 rear subframes deterioration.”⁵ The thread’s original post reads as follows:

I recently had the rear subframe on my wife’s 2010 C300w4 fail and literally start to fall apart after a service visit to an authorized MB dealer. It started to exhibit some serious handling issues and when I jacked up the right rear and removed the tire, I found a crack next to one of the aluminum suspension struts mounting flange. Being out of warranty and with 94k I realized there was little MB would do. I’d worked for 2 Mercedes Benz dealers over 40 years and sold millions of dollars worth of cars, but I knew what the answer would probably be. I just didn’t realize how bad the problem was. The dealer had the factory rep look at problem who said that MB would not cover it. I elected to have a friend’s MB Certified body shop do the work at a cost of \$4000.;

⁵ BENZWORLD.ORG, available at <https://www.benzworld.org/threads/w204-rear-subframes-deterioration.3048088/>.

the dealer wouldn't give me an exact cost but was suggesting somewhere around \$5500-\$6000. From just looking at the subframe it was difficult to see the extent of the damage but upon removal of the old unit, it was surprising how much rust had taken place from the inside. The entire flange holding one of the links completely fell out!

56. The unusual number of complaints regarding premature rear subframe corrosion in the Class Vehicles thus reveals that Mercedes-Benz was aware of the Subframe Corrosion Defect. Indeed, Mercedes-Benz has known about this defect in the Class Vehicles' rear subframes before, during, and after it sold and leased the Class Vehicles to Plaintiff and the other Class members.

F. Mercedes-Benz Touted the Safety of the Class Vehicles and Continuously Proclaimed That the Class Vehicles Were Dependable and of the Highest Quality, Thus Concealing and Omitting the Subframe Corrosion Defect.

57. Mercedes-Benz extensively advertised the performance and safety of its Class Vehicles. At all times relevant to this action, Mercedes-Benz omitted and/or concealed the Subframe Corrosion Defect. Indeed, at no point during the period relevant to this action did Mercedes-Benz inform buyers and/or lessees of the Class Vehicles that the rear chassis subframes in the Class Vehicles suffered from the Subframe Corrosion Defect that led to loss of control and significant structural damage.

58. Likewise, Mercedes-Benz repeatedly told consumers that the Class Vehicles were dependable, long-lasting, and of the highest quality. In so doing,

Mercedes-Benz led consumers to believe that the Class Vehicles would be free from defects that result in loss of control and structural damage.

59. In its brochures and advertisements for the Class Vehicles, Mercedes-Benz consistently touted the performance and safety of the Class Vehicles.

60. For example, the sales brochure for the 2012 C-Class sedan and coupe proclaims that drivers “choose the C-Class more than any other Mercedes-Benz” in part because of its “top-rated safety.”⁶

61. Additionally, the sales brochure for the 2013 E-Class sedan and wagon specifically references the vehicle’s handling: “[The E-Class’s] AIRMATIC rear suspension takes on curving roads and changing loads with equal expertise.”⁷

62. No Mercedes-Benz brochure, advertisement, or other marketing materials for or relating to the Class Vehicles alerted customers to the Subframe Corrosion Defect and the problems arising therefrom. Indeed, all such materials omitted the problem in all respects.

⁶ AUTO-BROCHURES.COM, https://www.auto-brochures.com/makes/Mercedes_Benz/C-Class/Mercedes%20Benz_US%20C-Class_2012.pdf.

⁷ AUTO-BROCHURES.COM, https://www.auto-brochures.com/makes/Mercedes_Benz/E-Class/Mercedes%20Benz_US%20E-Class_2013.pdf.

63. Mercedes-Benz consistently promoted all its vehicles as safe and reliable and presented itself as a responsible manufacturer that stands behind Mercedes-Benz-branded vehicles after they are sold.

64. Mercedes-Benz knowingly omitted and concealed information about material defects in the Class Vehicles from the driving public, including Plaintiff and the other Class members, thereby allowing unsuspecting vehicle owners and lessees to continue unknowingly driving defective vehicles that were of diminished value and bound to develop costly and unsafe problems.

G. Mercedes-Benz Intentionally and Actively Concealed the Subframe Corrosion Defect.

65. Knowing of the Subframe Corrosion Defect, Mercedes-Benz chose to prioritize company profits over quality and safety.

66. Mercedes-Benz never disclosed the existence of the Subframe Corrosion Defect to Plaintiff or any of the other Class members.

67. One significant way by which Mercedes-Benz concealed the existence of the Subframe Corrosion Defect was through a technical service bulletin (“TSB”) it distributed to its US dealers on or around May 11, 2018.

68. This TSB refers to the rear chassis subframe in certain Mercedes-Benz vehicles as the “rear axle carrier.”

69. The TSB covers the following classes and model years of Mercedes-Benz vehicles:

- a. C-Class, model years 2000 to 2007 (Generation 2) and 2007 to 2014 (Generation 3);
- b. CLK-Class, model years 2003 to 2009 (Generation 2);
- c. CLS-Class, model years 2010 to 2018 (Generation 2);
- d. E-Class, model years 2009 to 2016;
- e. E-Class coupe, model years 2010 to 2017;
- f. SL-Class, model years 2001 to 2011; and
- g. SLK-Class, model years 2004 to 2011 (Generation 2) and model years 2011 to 2019 (Generation 3).

70. The TSB instructs technicians to examine the rear chassis subframe and the various joint components connecting it to the vehicle's suspension for corrosion.

71. Mercedes-Benz did not acknowledge that the rear chassis subframes were prone to premature corrosion or otherwise defective in any way.

72. Moreover, Mercedes-Benz failed to mention the reason it issued the TSB beyond a vague reference to "recent events."

73. This TSB shows that Mercedes-Benz has been aware of the Subframe Corrosion Defect for (at least) nearly five years and was aware of the defect for over three years before Plaintiff purchased his Class Vehicle.

74. The TSB is also grossly inadequate—it merely instructs service technicians to check for corrosion and offers no remedy at all for the Subframe Corrosion Defect.

H. Mercedes-Benz’s Warranty Extension Program Is Inadequate.

75. Upon information and belief, Mercedes-Benz has recently decided to offer a warranty extension program for rear subframe corrosion. The warranty extension program is an inadequate remedy for several reasons.

76. The warranty extension program is inadequate because it does not cover all the Class Vehicles.

77. The warranty extension program does not provide for any relief until a vehicle experiences perforation in the rear subframe. The program thus forces drivers to wait until their vehicles are already critically damaged and unsafe to drive before they can receive a remedy for the Subframe Corrosion Defect. This poses a material and unreasonable safety risk to drivers, passengers, and the general public, and it deprives Class Vehicle owners of peace of mind.

78. The warranty extension program does not provide for inspections such that Class Vehicle owners can determine whether their Class Vehicles are experiencing rear subframe corrosion.

79. The warranty extension program does not adequately notify vehicle owners of the safety risks posed by rear subframe corrosion.

80. The warranty extension program provides merely for limited reimbursement for those Class members who have already paid for repairs to corroded rear subframes. The reimbursement is inadequate because, among other reasons, it: (1) applies to repairs to perforated subframes and excludes corroded subframes that have not been perforated; (2) provides for reimbursement of Mercedes-Benz replacement parts only, not after-market parts; and (3) does not provide reimbursement for repairs performed by parties other than Mercedes-Benz dealerships.

81. The warranty extension program does not resolve Plaintiff's and the Class members' claims because it does not compensate them for their overpayment at the point of sale. Plaintiff and the other Class members unknowingly received vehicles with a serious safety defect and have been forced to drive them for years. This is not what Plaintiff and the other Class members bargained for when they purchased their supposedly high-quality luxury vehicles.

VI. TOLLING OF THE STATUTES OF LIMITATION

A. Discovery Rule Tolling

82. Plaintiff could not have discovered through the exercise of reasonable diligence that their Class Vehicles were defective within the period of any applicable statutes of limitation.

83. Neither Plaintiff nor the other Class members knew or could have known that the Class Vehicles are equipped with rear chassis subframes with the Subframe Corrosion Defect, which causes premature corrosion, until the defective subframes became so critically corroded that that the Class Vehicles became fundamentally unsafe to drive.

B. Fraudulent Concealment Tolling

84. Throughout the period relevant to this action, Mercedes-Benz concealed from and failed to disclose to Plaintiff and the other Class members vital information about the Subframe Corrosion Defect described herein.

85. Indeed, Mercedes-Benz kept Plaintiff and the other Class members ignorant of vital information essential to the pursuit of their claims. As a result, neither Plaintiff nor the other Class members could have discovered the defect even upon reasonable exercise of diligence.

86. Specifically, throughout the Class Period, Mercedes-Benz has been aware that the rear chassis subframes it designed, manufactured, and installed in the Class Vehicles contained the Subframe Corrosion Defect, resulting in loss of driver control and structural damage.

87. Despite its knowledge of the defect, Mercedes-Benz failed to disclose, concealed, and continues to conceal this critical information from Plaintiff and the other Class members, even though it could have done so anytime through individual correspondence, media release, or by other means.

88. Mercedes-Benz affirmatively and actively concealed the Subframe Corrosion Defect when it issued the TSB, described above, that instructed dealers to offer purported repairs that it knew would not cure the Subframe Corrosion Defect.

89. Plaintiff and the other Class members justifiably relied on Mercedes-Benz to disclose the Subframe Corrosion Defect in the Class Vehicles that they purchased or leased, because that defect was hidden and not discoverable through reasonable efforts by Plaintiff and the other Class members.

90. Thus, the running of all applicable statutes of limitation have been suspended with respect to any claims that Plaintiff and the other Class members have sustained as a result of the defect, by virtue of the fraudulent concealment doctrine.

C. Estoppel

91. Mercedes-Benz was under a continuous duty to disclose to Plaintiff and the other Class members the true character, quality, and nature of the defective rear chassis subframes.

92. Mercedes-Benz knowingly concealed the true nature, quality, and character of the defective rear chassis subframes from consumers.

93. Based on the foregoing, Mercedes-Benz is estopped from relying on any statutes of limitations in defense of this action.

VII. CLASS ACTION ALLEGATIONS

94. Plaintiff brings this action pursuant to Rules 23(a), 23(b)(2), and 23(b)(3) of the Federal Rules of Civil Procedure on behalf of himself and all others similarly situated.

95. Plaintiff seeks to represent the following nationwide class:

All current and former owners or lessees of a Class Vehicle (as defined herein) that was purchased or leased in the United States (the “Nationwide Class”).

96. Alternatively, Plaintiff seeks to represent the following statewide class:

All current and former owners or lessees of a Class Vehicle (as defined herein) that was purchased or leased in the State of Michigan (the “Michigan Class”).

97. Excluded from the Class are Defendants Mercedes-Benz USA, LLC and Mercedes-Benz Group AG and any of their members, affiliates, parents,

subsidiaries, officers, directors, employees, successors, or assigns; the judicial officers and their immediate family members; and Court staff assigned to this case. Plaintiff reserves the right to modify or amend the Class definition, as appropriate, during the course of this litigation.

98. This action has been brought and may properly be maintained on behalf of the Class proposed herein under the criteria of Rule 23 of the Federal Rules of Civil Procedure.

99. **Numerosity – Federal Rule of Civil Procedure 23(a)(1).** The members of the Class are so numerous and geographically dispersed that individual joinder of all class members is impracticable. While Plaintiff is informed and believes that there are thousands of members of the Class, the precise number of Class Members is unknown to Plaintiff but may be ascertained from Mercedes-Benz's books and records. Class Members may be notified of the pendency of this action by recognized, Court-approved notice dissemination methods, which may include U.S. Mail, electronic mail, Internet postings, and/or published notice.

100. **Commonality and Predominance – Federal Rule of Civil Procedure 23(a)(2) and 23(b)(3).** This action involves common questions of law and fact, which predominate over any questions affecting individual Class members, including, without limitation:

- a. whether Mercedes-Benz engaged in the conduct alleged herein;
- b. whether Mercedes-Benz's alleged conduct violates applicable law;
- c. whether Mercedes-Benz misled Class members about the quality of the rear chassis subframes in the Class Vehicles;
- d. whether the rear chassis subframes contain the Subframe Corrosion Defect alleged herein;
- e. whether Mercedes-Benz had actual or imputed knowledge about the alleged defect but failed to disclose it to Plaintiff and the other Class members;
- f. whether Mercedes-Benz's omissions and concealment regarding the quality of the Class Vehicles were likely to deceive Class members in violation of the consumer protection laws of Michigan;
- g. whether Mercedes-Benz breached its express warranty to the Class members with respect to the Class Vehicles;
- h. whether Class members overpaid for their Class Vehicles as a result of the defect alleged herein;
- i. whether Class members are entitled to damages, restitution, restitutionary disgorgement, equitable relief, statutory damages, exemplary damages, and/or other relief; and

j. the amount and nature of relief to be awarded to Plaintiff and the other Class members.

101. **Typicality – Federal Rule of Civil Procedure 23(a)(3).** Plaintiff's claims are typical of the other Class members' claims because Plaintiff and the Class members purchased or leased Class Vehicles that contain defective rear chassis subframes. Neither Plaintiff nor the other Class Members would have purchased the Class Vehicles—or would have paid less for the Class Vehicles—had they known of the Subframe Corrosion Defect. Plaintiff and the other Class members suffered damages as a direct proximate result of the same wrongful practices in which Mercedes-Benz engaged. Plaintiff's claims arise from the same practices and course of conduct that give rise to the claims of the other Class members.

102. **Adequacy of Representation – Federal Rule of Civil Procedure 23(a)(4).** Plaintiff is an adequate Class representative because his interests do not conflict with the interests of the other members of the Class that he seeks to represent, Plaintiff has retained counsel competent and experienced in complex class action litigation, and Plaintiff intends to prosecute this action vigorously. The Class's interests will be fairly and adequately protected by Plaintiff and his counsel.

103. **Declaratory and Injunctive Relief – Federal Rule of Civil Procedure 23(b)(2).** Mercedes-Benz has acted or refused to act on grounds

generally applicable to Plaintiff and the other Class members, thereby making appropriate final injunctive relief and declaratory relief as described below with respect to the Class members as a whole.

104. **Superiority – Federal Rule of Civil Procedure 23(b)(3).** A class action is superior to any other available means for the fair and efficient adjudication of this controversy, and no unusual difficulties are likely to be encountered in the management of this class action. The damages or other financial detriment suffered by Plaintiff and the other Class members are relatively small compared to the burden and expense that would be required to individually litigate their claims against Mercedes-Benz, so it would be impracticable for the Class members to individually seek redress for Mercedes-Benz's wrongful conduct. Even if the Class members could afford litigation the court system could not. Individualized litigation creates a potential for inconsistent or contradictory judgments and increases the delay and expense to all parties and the court system. By contrast, the class action device presents far fewer management difficulties, and provides the benefits of single adjudication, economy of scale, and comprehensive supervision by a single court.

VIII. CLAIMS FOR RELIEF

A. Claims Brought on Behalf of the Nationwide Class

COUNT 1
BREACH OF EXPRESS WARRANTY
O.C.G.A. §§ 11-2-313 AND 11-2A-210

105. Plaintiff repeats and realleges paragraphs 1-104 as if fully set forth herein.

106. Plaintiff brings this Count individually and on behalf of the other members of the Nationwide Class (the “Class,” for purposes of this Count).

107. Mercedes-Benz is and was at all relevant times a merchant with respect to the Class Vehicles.

108. In its Limited Warranty, Mercedes-Benz expressly warranted that the Class Vehicles were free from defects in materials and workmanship.

109. Mercedes-Benz’s Limited Warranty formed the basis of the bargain that was reached when Plaintiff and the other Class members purchased or leased their Class Vehicles.

110. Mercedes-Benz breached its express warranty because the Class Vehicles suffer from the Subframe Corrosion Defect.

111. Plaintiff, individually and on behalf of the other Class members, notified Mercedes-Benz of the Subframe Corrosion Defect and its corresponding breach of warranty through a notice letter dated February 9, 2023 and delivered by United States Certified Mail to Mercedes-Benz’s headquarters in Sandy Springs,

Georgia. Mercedes-Benz was also provided notice of the Subframe Corrosion Defect through numerous complaints made against it directly and through its dealers as well as its own internal engineering knowledge.

112. Additionally, the Limited Warranty's remedy of repair or replacement within the warranty period fails in its essential purpose because the contractual remedy is insufficient to make Plaintiff and the other Class members whole.

113. Accordingly, recovery by Plaintiff and the other Class members is not restricted to the limited warranty of repair to parts defective in materials and workmanship. Plaintiff, individually and on behalf of the other Class members, seeks all remedies as allowed by law.

114. Additionally, as alleged in more detail above and incorporated by referenced herein, when Mercedes-Benz warranted, leased, and sold the Class Vehicles, it knew that the Class Vehicles did not conform to the warranty and were inherently defective. It also improperly concealed material facts regarding the Class Vehicles. Plaintiff and the other Class members were therefore induced to purchase or lease the Class Vehicles under false pretenses.

115. Moreover, much of the damage flowing from the Class Vehicles cannot be resolved through the limited remedy of repairs, as those incidental and consequential damages have already been incurred due to Mercedes-Benz's

improper conduct as alleged herein and due to its past and continued failure to provide such limited remedy within a reasonable time, and any limitation on Plaintiff's and the other Class members' remedies would be insufficient to make them whole.

116. As a direct and proximate result of Mercedes-Benz's breach of its express warranty, Plaintiff and the other Class members have been damaged in an amount to be determined at trial.

COUNT 2
BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY
O.C.G.A. §§ 84-2-314 and 84-2A-212

117. Plaintiff repeats and realleges paragraphs 1-104 as if fully set forth herein.

118. Plaintiff brings this Count individually and on behalf of the other members of the Nationwide Class (the "Class," for purposes of this Count).

119. Mercedes-Benz is and was at all relevant times a merchant with respect to motor vehicles under O.C.G.A. §§ 11-2-104 and 11-2A-103.

120. Pursuant to O.C.G.A. § 11-2-314 and 84-2A-212, a warranty that the Class Vehicles were in merchantable condition was implied by law, and the Class Vehicles were bought and sold subject to an implied warranty of merchantability.

121. The Class Vehicles did not comply with the implied warranty of merchantability because, at the time of sale and at all times thereafter, they were defective and not in merchantable condition, would not pass without objection in the trade, and were not fit for the ordinary purpose for which vehicles are used. Specifically, the Class Vehicles suffer from the Subframe Corrosion Defect as described above and incorporated by reference herein.

122. Plaintiff, individually and on behalf of the other Class members, notified Mercedes-Benz of the Subframe Corrosion Defect and its corresponding breach of warranty through a notice letter dated February 9, 2023 and delivered by United States Certified Mail to Mercedes-Benz's headquarters in Sandy Springs, Georgia. Mercedes-Benz was also provided notice of the Subframe Corrosion Defect through numerous complaints made against it directly and through its dealers as well as its own internal engineering knowledge.

123. Plaintiff and the other Class members suffered injuries due to the defective nature of the Class Vehicles and Mercedes-Benz's corresponding breach of the implied warranty of merchantability.

124. As a direct and proximate result of Mercedes-Benz's breach of the implied warranty of merchantability, Plaintiff and the other Class members have been damaged in an amount to be determined at trial.

COUNT 3
VIOLATION OF THE MAGNUSON-MOSS WARRANTY ACT
15 U.S.C. §§ 2301, *et seq.*

125. Plaintiff repeats and realleges paragraphs 1-104 as if fully set forth herein.

126. Plaintiff brings this Count individually and on behalf of the other members of the Nationwide Class (the “Class,” for purposes of this Count).

127. This Court has jurisdiction to decide these claims brought under 15 U.S.C. § 2301 by virtue of 28 U.S.C. §§ 1332(a) and (d).

128. Plaintiff is a “consumer” within the meaning of the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301(3).

129. Mercedes-Benz is a “supplier” and “warrantor” within the meaning of the Magnuson Moss Warranty Act, 15 U.S.C. § 2301(4)–(5).

130. The Class Vehicles are “consumer products” within the meaning of the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301(1).

131. 15 U.S.C. § 2310(d)(1) provides a cause of action for any consumer who is damaged by the failure of a warrantor to comply with a written warranty.

132. In its Limited Warranty, Mercedes-Benz expressly warranted that the Class Vehicles were free from defects in materials and workmanship.

133. Mercedes-Benz's Limited Warranty is a written warranty within the meaning of the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301(6). The Class Vehicles' implied warranty of merchantability is covered by 15 U.S.C. § 2301(7).

134. With respect to Class members' purchases or leases of the Class Vehicles, the terms of Mercedes-Benz's written warranty and implied warranty became part of the basis of the bargain between Mercedes-Benz and Plaintiff and each of the other Class members.

135. Mercedes-Benz breached these warranties as described in more detail above. Without limitation, the Class Vehicles are equipped with defective rear chassis subframes which, as a result of the Subframe Corrosion Defect, are designed so as to prematurely corrode, thereby resulting in structural damage and a loss of vehicle control.

136. At the time of sale or lease of each Class Vehicle, Mercedes-Benz knew, should have known, or was reckless in not knowing of the Class Vehicles' inability to perform as warranted, but nonetheless failed to rectify the situation and/or disclose the defective design. Under the circumstances, the remedies available under any informal settlement procedure would be inadequate, and any requirement that Plaintiff and the other Class members resort to an informal dispute

resolution procedure and/or afford Mercedes-Benz a reasonable opportunity to cure its breach of warranties is excused and thus deemed satisfied.

137. The amount in controversy of Plaintiff's individual claims meets or exceeds the sum of \$25. The amount in controversy in this action exceeds the sum of \$50,000, exclusive of interest and costs, computed based on all claims involved in this lawsuit.

138. As a direct and proximate result of Mercedes-Benz's breaches of its Limited Warranty and the implied warranty of merchantability, Plaintiff and the other Class members have sustained damages in an amount to be determined at trial.

139. Plaintiff, individually and on behalf of all the other Class members, seeks all damages permitted by law, including the diminution in value of their vehicles, in an amount to be proven at trial.

COUNT 4
FRAUDULENT OMISSION

140. Plaintiff repeats and realleges paragraphs 1-104 as if fully set forth herein.

141. Plaintiff brings this Count individually and on behalf of the other members of the Nationwide Class (the "Class," for purposes of this Count).

142. Mercedes-Benz was aware of the Subframe Corrosion Defect in the Class Vehicles when it marketed and sold the Class Vehicles to Plaintiff and the other Class members.

143. Having been aware of the Subframe Corrosion Defect within the Class Vehicles, and having known that Plaintiff and the other Class members could not have reasonably been expected to know of the Subframe Corrosion Defect, Mercedes-Benz had a duty to disclose the defect to Plaintiff and the other Class members in connection with the sale or lease of the Class Vehicles.

144. Mercedes-Benz did not disclose the Subframe Corrosion Defect within the Class Vehicles to Plaintiff and the other members of the Class in connection with the sale or lease of the Class Vehicles.

145. For reasons set forth above and incorporated by reference herein, the Subframe Corrosion Defect in the Class Vehicles comprises material information with respect to the sale or lease of the Class Vehicles.

146. In purchasing the Class Vehicles, Plaintiff and the other Class members reasonably relied on Mercedes-Benz to disclose known material defects with respect to the Class Vehicles.

147. Had Plaintiff and the other Class members known of the Subframe Corrosion Defect in the Class Vehicles, they would have not purchased or paid less for the Class Vehicles.

148. Through its omissions regarding the Subframe Corrosion Defect in the Class Vehicles, Mercedes-Benz intended to—and did—induce Plaintiff and the other Class members to either purchase a Class Vehicle that they otherwise would not have purchased or pay more for a Class Vehicle than they otherwise would have paid.

149. As a direct and proximate result of Mercedes-Benz's omissions, Plaintiff and the other Class members either overpaid for the Class Vehicles or would not have purchased the Class Vehicles at all if the Subframe Corrosion Defect had been disclosed to them. Therefore, Plaintiff and the other Class members have incurred damages in an amount to be determined at trial.

COUNT 5
UNJUST ENRICHMENT

150. Plaintiff repeats and realleges paragraphs 1-104 as if fully set forth herein.

151. Plaintiff brings this Count individually and on behalf of the other members of the Nationwide Class (the "Class," for purposes of this Count).

152. Mercedes-Benz has benefited from selling and leasing at an unjust profit defective Class Vehicles that had artificially inflated prices due to Mercedes-Benz's concealment of the Subframe Corrosion Defect, and Plaintiff and the other Class members have overpaid for these vehicles.

153. Mercedes-Benz has received and retained unjust benefits from Plaintiff and the other Class members, and inequity has resulted.

154. It is inequitable and unconscionable for Mercedes-Benz to retain these benefits.

155. Because Mercedes-Benz concealed its fraud and deception, Plaintiff and the other Class members were not aware of the true facts concerning the Class Vehicles and did not benefit from Mercedes-Benz's misconduct.

156. Mercedes-Benz knowingly accepted the unjust benefits of its misconduct.

157. As a result of Mercedes-Benz's misconduct, the amount of its unjust enrichment should be disgorged and returned to Plaintiff and the other Class members in an amount to be determined at trial.

COUNT 6
**VIOLATIONS OF THE GEORGIA UNIFORM DECEPTIVE TRADE
PRACTICES ACT**
O.C.G.A. §§ 10-1-370, *et seq.*

158. Plaintiff repeats and realleges paragraphs 1-104 as if fully set forth herein.

159. Plaintiff brings this claim individually and on behalf of the other members of the Nationwide Class (the “Class,” for purposes of this Count).

160. The Georgia Uniform Deceptive Trade Practices Act (“UDTPA”) defines a deceptive trade practice to include, among other things, the following:

- (a) Represent[ing] that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that he does not have,” O.G.G.A. § 10-1-372(a)(5); and
- (b) Represent[ing] that goods or services are of a particular standard, quality, or grade or that goods are of a particular style or model, if they are of another,” O.G.G.A. § 10-1-372(a)(7).

161. By failing to disclose the defective nature of the Class Vehicles to Plaintiff and the Class members, Mercedes-Benz engaged in deceptive trade practices in violation of the UDTPA because Mercedes-Benz represented that the Class Vehicles had characteristics and benefits that they do not have and that the Class Vehicles were of a particular standard, quality, or grade (i.e., safe, reliable, etc.) when they were of another. *See* O.C.G.A. §§ 10-1-372(5), (7), & (9).

162. Mercedes-Benz's actions as set forth above occurred in the conduct of trade or commerce.

163. Mercedes-Benz's actions impact the public interest because the same Subframe Corrosion Defect in Plaintiff's vehicle is inherent in all the Class Vehicles, and the defect threatens the safety of not only the vehicles' owners, drivers, and passengers but also other motorists.

164. Plaintiff and the other Class members were injured as a direct and proximate result of Mercedes-Benz's misconduct. Plaintiff and the other Class members overpaid for their defective vehicles and did not receive the benefit of their bargain. They suffered a diminution in the value of their vehicles.

165. Plaintiff seeks an order enjoining Mercedes-Benz's unfair, unlawful, and/or deceptive practices, declaratory relief, attorneys' fees, and any other just and proper relief available under UDTPA. *See* O.C.G.A. § 10-1-373.

B. Claims Brought on Behalf of the Michigan Class

COUNT 7
VIOLATIONS OF THE MICHIGAN CONSUMER PROTECTION ACT
M.C.L. 445.901 *et seq.*

166. Plaintiff repeats and realleges paragraphs 1-104 as if fully set forth herein.

167. Plaintiff brings this Count individually and on behalf of the other members of the Michigan Class (the “Class,” for purposes of this Count).

168. The Michigan Consumer Protection Act (“MCPA”) provides a remedy with respect to any person that engaged in deceptive trade practices within the meaning of the Act.

169. By the conduct described in detail above and incorporated herein, Mercedes-Benz engaged in unfair or deceptive acts in violation of the MCPA.

170. Mercedes-Benz’s omissions regarding the Subframe Corrosion Defect—which results in structural damage—are material facts that a reasonable person would have considered in deciding whether or not to purchase (or to pay the same price for) the vehicle.

171. Mercedes-Benz intended for Plaintiff and the other Class members to rely on its omissions of fact regarding the Subframe Corrosion Defect.

172. Plaintiff and the other Class members justifiably acted or relied to their detriment upon Mercedes-Benz’s omissions of fact concerning the above-described Subframe Corrosion Defect that results in structural damage, as evidenced by Plaintiff and the other Class members’ purchase of their vehicles.

173. Had Mercedes-Benz disclosed all material information regarding the Subframe Corrosion Defect to Plaintiff and the other Class members, Plaintiff and

the other Class members would not have purchased or leased their vehicles or would have paid less to do so.

174. Mercedes-Benz's omissions deceived Plaintiff and the other Class members.

175. Mercedes-Benz acted willfully in concealing and not disclosing the Subframe Corrosion Defect from Plaintiff and the other Class members.

176. In addition to being deceptive, the business practices of Mercedes-Benz were unfair because it knowingly sold to Plaintiff and the other Class members vehicles with defective rear subframes that are essentially unusable for the purposes for which they were sold. The injuries to Plaintiff and the other Class members are substantial and greatly outweigh any alleged countervailing benefit to Plaintiff and the other Class members or to any competition under all of the circumstances. Moreover, in light of Mercedes-Benz's exclusive knowledge of the Subframe Corrosion Defect, the injury is not one that Plaintiff and the other Class members could have reasonably avoided.

177. Further, to the extent required by law, Mercedes-Benz had a duty to disclose the Subframe Corrosion Defect because disclosure of the Subframe Corrosion Defect was necessary to dispel misleading impressions about the Class Vehicles' reliability and durability that were or might have been created by partial

representation of the facts. Specifically, Mercedes-Benz promoted, through its advertisements available to all Class members, that the Class Vehicles were reliable and durable. Mercedes-Benz also disclosed information concerning the rear subframes in window stickers associated with the Class Vehicles without disclosing that those subframes contained an inherent defect that would be material to any purchaser or lessee. Specifically, Mercedes-Benz owed Plaintiff and the other Class members a duty to disclose all the material facts concerning the Subframe Corrosion Defect because it possessed exclusive knowledge, it intentionally concealed the defect from Plaintiff and the other Class members, and/or it made misrepresentations that were rendered misleading because they were contradicted by withheld facts.

178. Mercedes-Benz's unfair or deceptive acts or practices were likely to—and did—deceive consumers, including Plaintiff and the other Class members, about the true reliability, dependability, efficiency, and quality of the Class Vehicles.

179. Plaintiff and the other Class members suffered ascertainable loss and actual damages as a direct result of Mercedes-Benz's concealment of and failure to disclose material information—i.e., the Subframe Corrosion Defect. Plaintiff and the other Class members who purchased or leased the Class Vehicles would not have done so or would have paid significantly less if the true nature of the Class Vehicles

had been disclosed. Plaintiff and the other Class members also suffered diminished value of their vehicles.

180. Mercedes-Benz engaged in bad faith conduct, entitling Plaintiff and the other Class members to treble damages.

181. Plaintiff and the other Class members seek an award of compensatory damages, punitive damages, reasonable attorneys' fees, and any other just and proper relief available under the MCPA.

COUNT 8
BREACH OF EXPRESS WARRANTY
M.C.L. 440.2313, 440.2860

182. Plaintiff repeats and realleges paragraphs 1-104 as if fully set forth herein.

183. Plaintiff brings this Count individually and on behalf of the other members of the Michigan Class (the "Class," for purposes of this Count).

184. Mercedes-Benz is and was at all relevant times a "merchant" with respect to motor vehicles under M.C.L. 440.2104(1) and is a "seller" of motor vehicles under M.C.L. 440.2103(1)(c).

185. With respect to leases, Mercedes-Benz is and was all relevant times "lessors" of motor vehicles under M.C.L. 440.2803(1)(p).

186. The Class Vehicles are and were at all relevant times “goods” within the meaning of M.C.L. 440.2105(1) and 440.2803(1)(h).

187. In its Limited Warranty, Mercedes-Benz expressly warranted that the Class Vehicles were free from defects in materials and workmanship.

188. Mercedes-Benz’s Limited Warranty formed the basis of the bargain that was reached when Plaintiff and the other Class members purchased or leased their Class Vehicles equipped with the defective rear chassis subframes.

189. Mercedes-Benz breached the express warranty to repair “any defect” by failing to repair the Subframe Corrosion Defect.

190. Further, to the extent that the Limited Warranty is construed to be limited to vehicle defects related to materials or workmanship, Mercedes-Benz has breached the Limited Warranty.

191. The Subframe Corrosion Defect is a uniform design defect that is related to materials.

192. Specifically, the rear chassis subframes in the Class Vehicles are materials, and they suffer from premature, inordinate corrosion as explained above.

193. Mercedes-Benz has not repaired—and has been unable to repair—the Subframe Corrosion Defect.

194. Mercedes-Benz was provided notice of the Subframe Corrosion Defect through numerous complaints filed against it directly and through its dealers, as well as its own internal engineering knowledge. Mercedes-Benz was also provided notice of the Subframe Corrosion Defect and its breach of its implied warranty through a notice letter dated February 9, 2023 and delivered by United States Certified Mail to Mercedes-Benz's principal place of business in Sandy Springs, Georgia.

195. Additionally, the Limited Warranty fails in its essential purpose because the contractual remedy is insufficient to make Plaintiff and the other Class members whole and because Mercedes-Benz has failed and/or has refused to adequately provide the promised remedies within a reasonable time.

196. Accordingly, recovery by Plaintiff and the other Class members is not limited to the limited warranty of repair to parts defective in materials and workmanship, and Plaintiff, individually and on behalf of the other Class members, seek all remedies as allowed by law.

197. As alleged in more detail herein, at the time that Mercedes-Benz warranted and sold the Class Vehicles, it knew that the Class Vehicles did not conform to the warranty and were inherently defective, and Mercedes-Benz improperly concealed material facts regarding its Class Vehicles. Plaintiff and the

other Class members were therefore induced to purchase or lease the Class Vehicles under false pretenses.

198. Moreover, much of the damage flowing from the Class Vehicles cannot be resolved through the limited remedy of repairs, as Plaintiff and the other Class members have already suffered those incidental and consequential damages due to Mercedes-Benz's improper conduct as alleged herein and due to its past and/or continued failure to provide such limited remedy within a reasonable time. Therefore, any limitation on Plaintiff's and the other Class members' remedies would be insufficient to make Plaintiff and the other Class members whole.

199. As a direct and proximate result of Mercedes-Benz's breach of express warranty, Plaintiff and the other Class members have been damaged in an amount to be determined at trial.

COUNT 9
BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY
M.C.L. 440.2314, 440.2862

200. Plaintiff repeats and realleges paragraphs 1-104 as if fully set forth herein.

201. Plaintiff brings this Count individually and on behalf of the other members of the Michigan Class (the "Class," for purposes of this Count).

202. Mercedes-Benz is and was at all relevant times a “merchant” with respect to motor vehicles under M.C.L. 440.2104(1) and is a “seller” of motor vehicles under M.C.L. 440.2103(1)(c).

203. With respect to leases, GM is and was all relevant times “lessors” of motor vehicles under M.C.L. 440.2803(1)(p).

204. The Class Vehicles are and were at all relevant times “goods” within the meaning of M.C.L. 440.2105(1) and 440.2803(1)(h).

205. Mercedes-Benz manufactured and sold the defective Class Vehicles to Plaintiff and the other Class members.

206. The Class Vehicles are defective because they have rear chassis subframes with the Subframe Corrosion Defect, which causes structural damage to the Class Vehicles.

207. These defects existed at the time the Class Vehicles left the control of Mercedes-Benz.

208. Based upon these defects, Mercedes-Benz has failed to meet the expectations of a reasonable consumer. The Class Vehicles are unfit for their ordinary intended use because they suffer from the Subframe Corrosion Defect, which causes structural damage.

209. Mercedes-Benz was provided notice of the Subframe Corrosion Defect through numerous complaints filed against it directly and through its dealers, as well as its own internal engineering knowledge. Mercedes-Benz was also provided notice of the Subframe Corrosion Defect and its breach of its implied warranty through a notice letter dated February 9, 2023 and delivered by United States Certified Mail to Mercedes-Benz's principal place of business in Sandy Springs, Georgia.

210. Moreover, notice is futile because Mercedes-Benz has continually failed to provide adequate remedies to Plaintiff and Class members.

211. The above-described defects in the Class Vehicles were the direct and proximate cause of economic damages to Plaintiff and the other Class members

COUNT 10
FRAUDULENT OMISSION

212. Plaintiff repeats and realleges paragraphs 1-104 as if fully set forth herein.

213. Plaintiff brings this Count individually and on behalf of the other members of the Michigan Class (the "Class," for purposes of this Count).

214. Mercedes-Benz was aware of the Subframe Corrosion Defect when it marketed and sold the Class Vehicles to Plaintiff and the other Class members.

215. Having been aware of the Subframe Corrosion Defect, and having known that Plaintiff and the other Class members could not have reasonably been

expected to know of this defect, Mercedes-Benz had a duty to disclose the Subframe Corrosion Defect to Plaintiff and the other Class members in connection with the sale or lease of the Class Vehicles.

216. Further, Mercedes-Benz had a duty to disclose the Subframe Corrosion Defect because disclosure of the Subframe Corrosion Defect was necessary to dispel misleading impressions about the Class Vehicles' reliability and durable that were or might have been created by partial representation of the facts. Specifically, Mercedes-Benz promoted, through its advertisements available to all Class members, that the vehicles were reliable and durable. Mercedes-Benz also disclosed information concerning the rear chassis subframes in window stickers associated with the Class Vehicles without disclosing that these subframes contained an inherent defect that would be material to any purchaser or lessee.

217. Mercedes-Benz did not disclose the Subframe Corrosion Defect to Plaintiff and the other Class members in connection with the sale or lease of the Class Vehicles.

218. For the reasons set forth above, the Subframe Corrosion Defect comprises material information with respect to the sale or lease of the Class Vehicles.

219. In purchasing or leasing the Class Vehicles, Plaintiff and the other Class members reasonably relied on Mercedes-Benz to disclose known material defects with respect to the Class Vehicles. Had Plaintiff and the other Class members known of the Subframe Corrosion Defect, they would have not purchased the Class Vehicles or would have paid less for the Class Vehicles.

220. Through its omissions regarding the latent Subframe Corrosion Defect in the Class Vehicles, Mercedes-Benz intended to induce—and did induce—Plaintiff and the other Class members to purchase or lease a Class Vehicle that they otherwise would not have purchased, or to pay more for a Class Vehicle than they otherwise would have paid.

221. As a direct and proximate result of Mercedes-Benz's omissions, Plaintiff and the other Class members either paid too much for the Class Vehicles or would not have purchased the Class Vehicles if the Subframe Corrosion Defect had been disclosed to them and therefore have incurred damages in an amount to be determined at trial.

COUNT 11
UNJUST ENRICHMENT

222. Plaintiff repeats and realleges paragraphs 1-104 as if fully set forth herein.

223. Plaintiff brings this Count individually and on behalf of the other members of the Michigan Class (the “Class,” for purposes of this Count).

224. Mercedes-Benz has benefitted from selling and leasing at an unjust profit defective Class Vehicles that had artificially inflated prices due to Mercedes-Benz’s concealment of the Subframe Corrosion Defect, and Plaintiff and the other Class members have overpaid for these vehicles.

225. Mercedes-Benz has received and retained unjust benefits from Plaintiff and the other Class members, and inequity has resulted.

226. It is inequitable and unconscionable for Mercedes-Benz to retain these benefits.

227. Because Mercedes-Benz concealed its fraud and deception, Plaintiff and the other members of the Class were not aware of the true facts concerning the Class Vehicles and did not benefit from Mercedes-Benz’s misconduct.

228. Mercedes-Benz knowingly accepted the unjust benefits of its wrongful conduct.

229. As a result of Mercedes-Benz’s misconduct, the amount of its unjust enrichment should be disgorged and returned to Plaintiff and the other members of the Class in an amount to be proven at trial.

VIII. REQUEST FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of the other Class members seeks to represent, respectfully request that the Court enter judgment in his favor and against Defendants Mercedes-Benz USA, LLC and Mercedes-Benz Group AG as follows:

1. Declaring that this action is a proper class action, certifying the Michigan and Nationwide Classes as requested herein, designating Plaintiff as Class Representative, and appointing Plaintiff's attorneys as Class Counsel;
2. Ordering Mercedes-Benz to pay actual and statutory damages (including punitive damages) and restitution to Plaintiff and the other Class members, as allowable by law;
3. Ordering Mercedes-Benz to pay both pre- and post-judgment interest on any amounts awarded;
4. Ordering Mercedes-Benz to pay attorneys' fees and costs of suit; and
5. Ordering such other and further relief as may be just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.

DATED: February 15, 2023 Respectfully submitted,

/s/ Jonathan R. Chally
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*Motions for admission *pro hac vice* to be filed